

Call to order: 7:00 pm

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

The Chairwoman opened by introducing new members of the Board. Shawn Hanson has been elected to permanent member after having served as an alternate. Jim Ziolkowski is the new Selectmen's Representative. Andy Brubaker is a new alternate member.

C. Brown apologized for the last minute change in meeting time; Rockingham Planning Commission representative Theresa Walker was unavailable to attend. Ms. Walker will be on the April meeting agenda.

PUBLIC HEARING – CASE #16-03-01

Application from Unutil Forestry Department for Final Public Hearing for Scenic Road Alteration Permit to perform utility line clearance pruning on Stard Road, Dodge Road, Mill Lane, Goodwin Road, Crank Road and Nason Road (southern portion). Map on file with Town.

Chris Moultrou, Forestry Supervisor for Unutil, addressed the Board and explained that the line clearance pruning is an annual job. He said that this year the clearance is not as critical a problem as last year, and that he will have no problem working within the Town's ordinance of 6 foot clearance, rather than the 10 feet that Unutil generally prefers.

Mr. Moultrou distributed larger maps showing the roads affected; one was kept for the file. Customers will be notified that the work is to be done.

A. Tonry asked if the trees she has seen flagged are the trees to be taken down. Mr. Moultrou said he was not sure, but that this permit is only for pruning. There are other trees to be taken down that are considered a hazard; a list of hazard trees approved for removal will be provided to Unutil by the Selectmen.

The meeting was opened to the public for comment. There were no comments offered. The Chairwoman closed the public hearing.

MOTION: To grant the request from Unutil Forestry Department for a Scenic Road Alteration Permit to perform utility line clearance pruning on Stard Road, Dodge Road, Mill Lane, Goodwin Road, Crank Road and Nason Road (southern portion).

MOTION: S. Hanson

SECOND: L. Brown-Kucharski

UNANIMOUS

PUBLIC HEARING - CASE #16-03-02

Application from Avesta Housing for Final Public Hearing for Scenic Road Alteration Permit for removal of stone wall remnants and approximately 10 trees larger than 15" circumference within the Town Right of Way, at property fronting Brown Road, Tax Map 5, Lot 57.

Jonathan Ring of Jones & Beach Engineers introduced himself and other representatives of the Applicant, Shreya Shah of Avesta Housing and Mike Garrepy of Tuck Realty.

Mr. Ring identified the trees to be removed on a map. He said the trees include many white ash, two maple trees and an oak tree. The trees are flagged, with either red or yellow ribbons; the different colors are not significant, red was only used because the flaggers ran out of yellow. The stone wall remnants to be removed are on the property line and will need to be moved; J. Ring said they will be used elsewhere on site for landscaping.

A. Tonry asked if it would be possible to trim the trees rather than remove them, and J. Ring answered that he wishes they could but the trees are in the line of sight, for pulling out of the drive.

Abigail Tonry said that the rocks and stones being removed are half on Town property and half on the property owner's land, and so must stay where they are. J. Ring said they could be used in the area of the cutout for the well access road.

G. Parish asked where the entrance drive will be in reference to the current access drive. It will be 150 feet or more from the neighboring property's duck pond. Asked if the 11 trees being taken down will be replaced somewhere else, J. Ring answered that the applicant will be planting many trees, hundreds, and will include some Liberty elms to be bought for the Town's Tercentennial celebration.

It was noted that the cutting will be within 20 feet of Brown Road.

G. Parish asked if Unutil has confirmed the location of the utility pole. J. Ring said it would be on the Avesta side of Brown Road, and the lines would go underground to the project. It has not been determined whether placement of the pole will require more tree removal. G. Coppelman said he has been in touch with Chris Moultroup of Unutil, and he is aware there may be further involvement in the area. G. Coppelman said it depends on where the power comes in to the new pole from.

Further discussion took place about the view of the project from Brown Road. It was ascertained that the Town would still like a full size color rendering of the view that was presented at the February meeting, for the case file. Due to miscommunication, the Town has not received a copy of this; one full size copy will be provided.

PUBLIC COMMENT

Gaylee Robinson of Brown Road said she has a problem with trees being taken down on Brown Road, as her property is across the road and she is concerned about headlights shining in to her property. J. Ring said that her entrance is 150 feet south of the new access drive for the project; there was discussion about where the new house she plans to build will be. No trees are to be removed from the Robinson's side of the road, and all but one are to the northern side of the access drive.

The Chairwoman closed the Public Hearing.

MOTION: To grant the Scenic Road Alteration Permit for removal of stone wall remnants and approximately 10 trees larger than 15" circumference within the Town Right of Way, at property fronting Brown Road, Tax Map 5, Lot 57.

MOTION: S. Hanson

SECOND: T. Santora

UNANIMOUS

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.

**SMALL COMMUNITY WELL SITING AND PERMITTING
PRELIMINARY WELL TEST RESULTS**

C. Brown referred the Board and Applicants to the letter from Epping Well & Pump Company dated March 21.

J. Ring said that the results of the well pump testing were excellent, that water output was very good, and C. Brown agreed.

L. Brown Kucharski asked why only two neighboring wells were monitored during the test. J. Ring answered that all owners of wells within 800 feet of the new well were contacted via registered letter, but only two responded. M. Garrepy added that a few of the neighboring wells, being dug wells, were not monitored.

G. Parish questioned the expected usage for the project. It is estimated that total usage will be 9,000 gallons per day, and that the test was for 18,000 gallons.

ENGINEERING REVIEW

The Board reviewed the letter dated March 22 from MSC Engineers. In the letter, Senior Project Manager John Lorden said that revisions made by Jones & Beach to the plans through March 15 addressed all MSC's comments submitted on February 22.

WASTEWATER DISPOSAL SYSTEMS – ROCKINGHAM COUNTY CONSERVATION DISTRICT (RCCD)

J. Ring updated the Board regarding the letter from the RCCD dated February 18, in which Michael Cuomo gave a list of 6 reasons why the septic system for the project could not be approved.

Changes have been made to all "S" pages of the plan set, addressing the issues that were raised. The entire system was changed, and now has the septic tank itself plus two aeration chambers. The components are narrower than previously, reducing the bed size.

Two changes to the plans sent with the packets will be updated for the file.

DECLARATION OF CONSERVATION RESTRICTION

The Board and applicant reviewed the document, which has been reviewed and revised by both Attorney Mark Beliveau for the Planning Board, and an attorney for Avesta. The language currently in the document has been agreed upon by both attorneys.

On page 3, the fourth paragraph should have parentheses instead of commas, and will read: "The Town of Hampton Falls shall have the right to enter and go upon the Restricted Area for purposes of inspection, as the Town deems necessary, to determine compliance with these Restrictions, upon reasonable advanced notice (which may be verbal) to the Declarant."

A. Tonry asked about the last paragraph of the document, saying she did not know the restriction could be amended in any manner.

There was a lengthy discussion about possible reasons for amendment or modification in the future. S. Shah said that clause xi of the document limits establishment of picnic areas, gazebos and garden areas to two each, and that this is very restrictive.

Size of a “gazebo” and the definition of a “garden area” were debated. A. Tonry said that trails, places to sit and picnic and gardens are good use of the land. S. Shah said that going back to the third clause in the document, no building can go on the site. A gazebo is not a permanent structure.

The following change to the final paragraph was suggested by A. Tonry, and will be sent to the attorneys for both the Town and the Applicant for consensus, as a condition of approval:

“This Declaration shall not be released or terminated. Amendments or modifications of an agricultural nature only may be made with advance notice and written consent of the Planning Board and the Conservation Commission.”

J. Ring said that, as the Chairwoman had requested, a definitive plan showing the boundaries of the Conservation Restricted Area in color will be provided to keep on file at the Town Hall.

LETTER SUBMITTED BY RICHARD AND GAYLEE ROBINSON

The Chairwoman asked the Board to consider issues the Robinsons had raised in letters addressed to the Board over the course of the Site Plan approval process. The most recent letter, dated February 23, was reviewed by the Board.

C. Brown went through the letter point by point.

After setting aside several points as already having been addressed, discussion centered on the positioning of the driveway to the Avesta project in relation to the Robinson’s property, and specifically to a house they plan to build close to the entrance to the complex.

After clarification that the current access point is for the well area and that the driveway to the buildings will be in a different place, Gaylee Robinson expressed her concern that traffic turning left out of the apartment complex would cause headlights to shine in the windows of her new house, which will be south of the entrance.

C. Brown said that she thinks the driveway and the location of the house will be offset enough so that headlights won’t hit the house, but that it is hard to tell as the house is not in place yet.

G. Robinson cited Condition #3 to ZBA approval of the project, which says, “The primary entrance/exit road shall be positioned to avoid direct headlight disturbance to neighboring properties.”

C. Brown said that the applicant had moved the proposed access drive for their project north from its original position to accommodate the Robinsons.

M. Garrepy suggested that Avesta might offer to put money in escrow for the Robinsons to use for landscaping should they find there is a problem with headlights shining on their property once the new house is in place.

G. Robinson said that while she is not really satisfied with this solution, she feels she has no choice but to accept it.

T. Santora said that he feels that it is the best that the applicant can do.

Language will be added to Subsequent conditions of approval to the effect that Avesta will set aside \$1,000 in escrow for the Robinson’s use for plantings in the event that there is headlight disturbance to their property, with an expiration date in case it is not needed.

Further points brought forward by the Robinsons were discussed:

- Construction vehicles will not be allowed to park on Brown Road during construction.
- Impact fees are not applicable to the property.

- ZBA Condition #4 was amended; the project will take more than 3 years in total, as Avesta will need to wait for funding for a new phase until the last building is at 80% occupancy.
- The applicant has done the best they can to work with Brown Road as a Cultural and Scenic Byway, and to be sensitive to the aesthetic value of the property.
- The Fire Chief has said that a second entrance is not necessary.

L. Brown-Kucharski said that as Liberty elms proposed by the applicant would be in a single row along the roadway, perhaps more trees should be planted behind them to provide more coverage. There was a discussion of various landscaping possibilities.

ACTION ON APPLICATION

MOTION: To approve the Applicant's request 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, subject to the following conditions:

PRECEDENT:

1. That any and all fees due the Town of Hampton Falls and its consultants be paid.
2. That any and all state permits, to include Alteration of Terrain, Septic Design and Water Well approval, be obtained and made part of the file.
3. That project vesting language on Plan sheet OV1 be corrected per agreement at the February 23, 2016 Planning Board meeting.
4. That the wording of the Declaration of Conservation Restriction is finalized with the consensus of both the applicant's attorney and Planning Board Counsel.
5. That attorneys for both the Town and Avesta Meadows One review language of Note 1 on plan C5 and that any agreed upon stronger language restricting the submission of the access drive as a Town road be incorporated in the note.
6. That notation for the entrance sign be added to its location shown on Plan page OV1
7. That the Scenic Road Alteration Permit and Special Use Permit be noted on page C5 where the Waivers appear.
8. That the following sentence be placed on the plan set cover sheet: "The Open Space Conservation Restriction Area shown on Drawing No. OV1 is subject to a certain Declaration of Conservation Restriction to be recorded in the Rockingham County Registry of Deeds."
9. That a definitive plan showing the boundaries of the Conservation Restricted Area, in color, be provided for the file.
10. This Conditional Approval is subject to terms and conditions as outlined in Article V, Section 5.6 "Conditional Approval" of the Site Plan Review Regulations.

SUBSEQUENT:

1. That there be no parking of construction vehicles on Brown Road during construction.
2. That wetland placard markers be installed per Article VII 7.4 of Site Plan Review Regulations (prior to commencement of any construction activity on site).
3. That monumentation and wetland district placard installation be set and certified with a Certificate of Monumentation and Certificate of Wetland District Placard Installation Form submitted for the Planning Board file.

4. That the Declaration of Conservation Restriction be recorded at the same time as the property transfer.
5. That a letter be sent to the New Hampshire DES regarding the restoration of the well site, and a copy be provided for the Planning Board file.
6. That a copy of the new deed be provided for the file.
7. That remnants of the stone wall that need to be removed be used for repair of the remainder of the stone wall along Brown Road.
8. That \$1,000 be put into escrow by Avesta Meadows One LP for the purpose of positioning landscaping to avoid direct headlight disturbance to neighboring property belonging to Richard and Gaylee Robinson. Escrow will expire and be returned to Avesta Meadows One LP 3 years from the date of recording of mylar, OR 6 months after the Occupancy Permit is filed for the Robinson's home, whichever happens first.
9. That a sign permit be obtained from the Building Inspector.
10. That Performance Security, in an amount and type satisfactory to the Town, be in place per issuance of the Special Use Permit regarding disturbance of wetland buffer areas.
11. That Avesta Meadows One post financial security at the time the Building Permit is issued, and the financial security agreement include language to cover any damage that occurs to Brown Road as a result of the construction activity.

MOTION: C. Brown

SECOND: A. Tonry

UNANIMOUS

The Public Hearing was closed.

REVIEW AND APPROVAL OF MINUTES OF PRIOR MEETING: FEBRUARY 23, 2016

C. Brown asked for the wording under "Action on Application" on page 6 to be changed to: "C. Brown said that a Scenic Road Alteration Permit is required, and though it may be a Condition of Approval, the Septic Wastewater Disposal permit from the RCCD also needs to be addressed." C. Brown also asked that on page 7, in the second paragraph under "Communication to Board Members", Beverly Mutrie's 11 years on the Planning Board should be clarified as "10 as a Member and 1 year as an Alternate Member".

MOTION: To approve the minutes of February 23, 2016 as amended.

MOTION: L. Brown-Kucharski

SECOND: G. Parish

4 IN FAVOR, 3 ABSTENTIONS - PASSED

OTHER BUSINESS

C. Brown notified the Board that the 5th Annual Coastal Climate Summit will be held on May 13th. Registration will open on March 28.

COMMUNICATION TO BOARD MEMBERS

C. Brown informed the Board that she has received a copy of the application package from NH DOT regarding work they will be doing on Rte. 1, including through Hampton Falls. This will be available from the Secretary to borrow and read.

**REORGANIZATION OF THE BOARD
NOMINATION AND ELECTION OF PLANNING BOARD CHAIR**

MOTION: To nominate Todd Santora as Chairman of the Planning Board for one year.

MOTION: L. Brown-Kucharski

SECOND: S. Hanson

UNANIMOUS

NOMINATION AND ELECTION OF PLANNING BOARD VICE-CHAIR

MOTION: To nominate Charlyn Brown as Vice Chairwoman of the Planning Board for one year.

MOTION: L. Brown-Kucharski

SECOND: S. Hanson

5 AYE 1 ABSTENTION, PASSED

COMMITTEES

L. Brown Kucharski said she felt it was important for C. Brown to remain as Chairwoman of the Master Plan Committee. Committees will be discussed at a later meeting. T. Santora asked that anyone interested in being a part of a committee to let him know.

ADJOURNMENT

MOTION: To adjourn at at 10:18 PM.

MOTION: T. Santora

SECOND: A. Tonry

UNANIMOUS