



PLANNING BOARD
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MINUTES OF THE PLANNING BOARD MEETING

Thursday, August 15, 2019 – 7:00 p.m. – Town Hall Conference Room

Members Present: Frank Catapano, Stu Gerome, Steve Gerrato, David Moore, Rich Winsor, Catie Medeiros (Alternate), Vaughan Morgan (Alternate), Steve Smith (Selectmen's Rep)

Members Absent: John McDevitt, Bob Dion (Alternate)

Staff Present: Mark Fougere - Consultant

Chair Winsor opened the Planning Board Public Hearing at 7:00 p.m. A roll call was taken by the Chair; he announced a quorum was present and the meeting was being recorded.

1. Projects of Regional Impact

There were no projects of regional impact.

2. Conditional Use Permit: 19 Birch Point [Map R14, 4 – Residential Zone]

Owner/Applicant: Porat Family Trust – Thomas Porat, Trustee

Demolish a portion of the existing single family home and build an addition within 100' of the upland tidal buffer zone and Town wetland setback. A reinforced sea wall will also be constructed.

The applicant requested a continuation.

MOTION: S. Gerome moved to continue the application for 19 Birch Point to the meeting on Thursday, September 19, 2019. Second – V. Morgan; all in favor. MOTION CARRIED

3. Site Plan Review: 1440 Greenland Road [Map R21, 44A]

Owner/Applicant: Lowe's Home Centers, LLC

The owner/applicant is requesting a reduction of 83 parking spaces. Section V – Design and Construction Requirements, Subsection 5.11.2 – Require Spaces, of the Site Plan Review Regulations requires one space per 200 sq. ft. of gross floor area. The additional spaces will be used for outdoor storage.

The applicant requested a continuation.

MOTION: S. Gerome moved to continue to application for 1440 Greenland Road to the meeting on Thursday, September 19, 2019. Second – V. Morgan; all in favor. MOTION CARRIED

4. Subdivision of Land: 705 Post Road [Map R3, 7]

Owners: Richard and Ronald Henderson / Applicant: Ambit Engineering, Inc.

The owners and applicant are proposing to subdivide one lot into two lots based on existing frontage, creating a backlot. A waiver is requested from Subdivision Regulations Section 4.4.1 (B) – Backlot Subdivisions in the Residential Zone.

Paul Dobberstein, Ambit Engineering and representing DD Cook Builders and Richard and Ronald Henderson, addressed the Board. As requested by the Board, a conceptual site plan was submitted. The plan shows the two duplexes with the shared driveway. P. Dobberstein pointed out the shared driveway, the shared driveway easement line, and the proposed leach field for both duplexes.

Also included in the plan set were two different site plans: one showing the proposed well for Lot One; the 4K area required to be shown by the Town and State couldn't be used for the existing well. The conceptual design allows them to reuse the existing well. The proposed well radius is 100'; the design flow would be 900 gallons per day for the three bedroom units. The Letter of Map Amendment (LOMA) has been submitted to FEMA, the driveway permit has been submitted to DOT, and the State subdivision application has been sent to DES.

Elevations of the proposed duplexes were included on the plans. The plans that were submitted are not exactly what will be proposed: the façade is shown along the garage as being straight and continuous between the two units. D. Cook plans to jog it slightly to break it up, if he builds the duplexes.

Chair Winsor stated comments from residents on the Master Plan included “no more DD Cook duplexes”. He suggested it might be worthwhile stepping out of the box and moving on to a different design. D. Moore was in agreement. S. Gerrato was concerned about site distance from the driveway. P. Dobberstein stated there would be some significant regrading along the side of the road in order to make the driveway safe; that was a determination to be made by DOT in cooperation with Ambit Engineering in terms of design.

Chair Winsor noted there was a letter from a resident asking about the old stone wall and line of trees. P. Dobberstein assured the Board that maintaining the stone wall and the trees buffering the Maya Way property was the driving force for a 50 ft. wide private drive rather than 20 ft. It is inevitable a few may be lost, but the mature stand against the wall would not be impacted. D. Moore asked how the significant grading being done on Post Road would affect the stone wall, and if nothing was done, how was the visibility. P. Dobberstein responded that it should not be impacted at all because of where the work was being done on the driveway. The majority of the work will be done on the “hump”, which is possibly ledge, that's covered with a thin layer of soil; it will be brought down significantly.

Chair Winsor opened the meeting to public comment. There being no public comments, Chair Winsor closed the public hearing and returned to the Board. S. Gerome asked if the first duplex could be turned; the grades worked. D. Cook stated it was for the walk-out basement and the views of the pond from the back. He will attempt to turn it as much as possible; it wasn't crucial to him that it be parallel with the entry driveway.

Chair Winsor stated the layout of the property was fine and didn't think there were any real issues with the driveway. He felt the building aesthetics were more of a concern. Chair Winsor recommended working on the elevations and something a little different. The waiver will be addressed at the time of approval; the Board didn't anticipate a problem with the waiver.

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P. Dobberstein clarified that the Board wanted a resubmission for the September meeting. Chair Winsor stated that the Board would like to see some different elevations, for them to “step outside the box a little”, try to turn the duplex slightly, and have the duplexes more aesthetically pleasing from the road.

MOTION: S. Gerome moved to continue the subdivision of 705 Post Road to the meeting on Thursday, September 19, 2019. Second – Steve Gerrato; all in favor. MOTION CARRIED

A note shall be added and detailed on the plan showing the limit of tree removal and the preservation of the stone wall. Also to be added to the plan: lot numbers, clarify the minimum lot area for duplexes, and a note regarding fencing in the buffer before disturbing the site. A joint maintenance and access easement document shall be recorded with plan. Chair Winsor added that the waiver request needed more detail.

5. Design Review: 21 Willowbrook Avenue [Map R11, 1]

Owner: Sweet Meadow Realty Trust / Applicant: Frank Catapano – One Home Builders II, LLC

The owner and applicant are proposing a five lot open space subdivision with frontage on Willowbrook Avenue.

F. Catapano recused himself from the Board and presented the Design Review for 21 Willowbrook Avenue; he will be the owner of the property within a few days. Wetland mapping has been done. The existing house is shown with a 50 foot backlot right-of-way; four new lots are on Willowbrook Avenue. The smallest upland is 66,770 sq. ft. They can be duplex lots; however, F. Catapano’s preferred plan has the house on a 3.21 acre lot; four additional lots range from .92 acres to 1.41 acres. The remaining land will be under a conservation easement. Each lot has 100 ft. of frontage; the right-of-way to the backlot is 50 ft. Total parcel size is 25.4 acres; wetlands area is 10.7 acres. The open space design creates five lots, four of which are new. They will be single family homes. All drives will be off Willowbrook Avenue. There will be no wetlands impact. The conventional plan shows a small wetland impact.

Chair Winsor clarified the yield on both plans was identical. There will be a shared driveway coming off Rt. 33 for two lots. Most of the view shed from Rt. 33 will remain the same. F. Catapano has no plans to remove the vinyl fencing. The parcel has six curb cuts off Portsmouth Avenue.

F. Catapano stated that after doing the calculations, they are short of the upland area in 50% of the open space; a waiver will be needed. He also stated that according to the regulations, frontage on an interior road is 100 ft.; this will not be an interior road. F. Catapano stated he is not planning on building a new road that the Town must maintain. M. Fougere noted there was no reference to lots on an existing road in the Ordinance; a waiver may not be needed.

M. Fougere continued that the intent of open space was to maximize flexibility by the Board, create a design, every property is unique. The property is 2 acres shy of the criteria that 85% of the open space must be upland; the Board will have to grant a waiver. M. Fougere felt the field was visually significant to the community. Duplexes in the middle of the field would significantly impact the street. F. Catapano stated that if any of the trees that were planted by the Town were removed, he would replace them.

S. Gerrato stated this was a challenge for well and septic. If there was a failure, it would be right in the wetlands. F. Catapano stated the enviro systems would be used due to the soil type. The Board was in agreement they preferred the open space. Chair Winsor felt it met the spirit of the Board’s intent. The poor drainage on the property may have been caused when Rt. 33 was built; a retainage system was not done, causing run off. Debbie Beck noted there is a catch basin on the corner of Willowbrook Avenue and Rt. 33. C. Medeiros liked the open space plan and that another road would not be carved out. S.

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Gerrato stated that if enviro systems were used he would be in favor; V. Morgan also liked the open space concept and that it will not be duplexes.

Chair Winsor opened the meeting to public comment. Laura Byergo, Caswell Drive, liked the idea of the open space. She noted the lot sizes were all very uniform and asked if he would consider shaving the lot sizes a little bit rather than requesting a waiver; there would be more upland. F. Catapano explained the lot sizes and their purpose. He intended to build 2,000 to 2,200 sq. ft. houses, keeping them closer to the road with shorter driveways. Septic systems will be located in the front of the house. Residents were happy with the plan; however, they were concerned about site distance on the road and safety; street lights were suggested. A resident asked if F. Catapano would be willing to have the well water of residents in that area tested; F. Catapano responded he didn't personally feel he should have to do that.

Chair Winsor explained that comments are not normally taken during a design review; nothing was being approved. He encouraged residents to stay engaged once a formal application was submitted. Chair Winsor closed the public hearing.

Chief Laurent will be asked to review the plans submitted with the application. F. Catapano joined the Board.

6. Site Plan Review, Conditional Use Permit: 125 Ocean Road [Map R21, 51]

Owner/Applicant: Bill Goodison, Bluebird Storage

The owner/applicant is proposing to amend the previously approved Phase II building by adding 1,350 square feet of space as well as a 18,450 square foot third story to the building.

Brian Pratt, Fuss & O'Neill and representing Bluebird Self Storage, addressed the Board. Site plan modification was approved in 2017 for the Bluebird Self Storage building. Construction has finished, they've been open for approximately one year and they're ready to expand. However, more space is needed than what was previously approved. They are proposing to expand the Phase II footprint 10 ft. and add a third floor. There is no increase in impervious surface; stormwater was designed for expansion. Three parking spaces are needed for the additional 18,000 sq. ft.; they requested a waiver for those parking spaces.

Underwood Engineers reviewed the plans; their comment was regarding the septic system, which was designed for 300 gallons per day. An average of 50 gallons per day is used. A note will be added to the plan that if the capacity is ever exceeded, the septic system will need to be expanded.

Building height: a maximum of 35 ft. is allowed; there will be a parapet that extends up approximately 6 ft. and is considered an accessory to the building height according to the Ordinance. M. Fougere and the Building Inspector have confirmed that is an allowed expansion.

MOTION: S. Gerrato moved to accept the application for 125 Ocean Road as complete. Second – F. Catapano; all in favor. MOTION CARRIED

V. Morgan didn't see any problems; however, agreed with the applicant about the additional parking spaces. M. Fougere suggested they get a waiver for the parking spaces; they didn't need them. Spaces can be added in the future, if necessary. Chair Winsor suggested a note be added to the plan that a change of use would require coming back to the Planning Board. The three parking spaces are currently a grassed area.

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Chair Winsor opened the meeting to public comments. There being none, he closed the public hearing and returned to the Board. B. Pratt noted there was also a Conditional Use Permit due to grading within the wetland buffer. If the parking spaces were built, they would have the same grading. The Conditional Use Permit will not be needed.

MOTION: D. Moore moved to approve the waiver request for 125 Ocean Road from Section 5.11 – Parking Requirements, Subsection 5.11.2 – Required Spaces, of the Site Plan Review Regulations, to the plan presented by Fuss & O’Neill, dated 07.24.2019, Job No. 20160148.000/20190921.A10. Second – V. Morgan; all in favor. MOTION CARRIED

M. Fougere visited the site earlier in the day. The stormwater treatment area doesn’t appear to be functioning correctly; the blanket may be disturbed. He asked that it be looked at and a report done. Chair Winsor suggested a conditional approval pending the engineer’s review of the focal point and stormwater treatment area. B. Pratt will look at that area. M. Fougere stated it could be fixed when the addition was built.

MOTION: S. Gerome moved to approve the applicant’s request for site plan modification, Map R21 Lot 51, in accordance with the plan by Fuss & O’Neill, plan set dated 07.24.2019, Project Number 20160148.000/20190921.A10, for property located at 125 Ocean Road, with the following conditions: review of the focal point stormwater treatment area; no building permit shall be issued until security is posted; any and all State and/or federal permits shall be obtained and made part of the file; any waivers granted must be keyed to the plan; final plan set (22”x34”) and an 11”x17” plan copy must be submitted for the Planning Board file; the applicant must submit a digital copy of the final full plan set as part of the Planning Board file. Second – S. Smith; all in favor. MOTION CARRIED

7. Subdivision of Land, Conditional Use Permit: 108 Great Bay Rd [R16, 2] & 339 Bayside Rd [R16, 2A]

Owner: Debra Beck

Applicant: Michael Green, Green & Company

The owner and applicant propose to subdivide a portion of the 78.63 acre parcel into three building lots for single family homes. A Conditional Use Permit is needed for the backlot subdivision.

Joe Coronati, Jones and Beach, and representing Michael Green (Green & Company), addressed the Board. The property is part of a 78 acre parcel located on Great Bay Road. They are proposing to subdivide three lots from the 78 acres. There will be one conventional backlot; two lots meet zoning requirements. The parcel at 339 Bayside Road was subdivided off several years ago; Green & Company has this lot under agreement. The rest of the land will be owned by Debra Beck.

The zoning requires the width of the access point to be a maximum of 20 ft. wide; another requires 50 ft. They are requesting a waiver for a 35 ft. wide access point off Bayside Road with a common drive for three of the four lots. The land will be owned by the backlot. By not having driveways for all four lots on Bayside Road, many of the trees can be saved. Homes can be buffered a little better and be moved back further as well as keeping a lot of the trees. There will be one common drive for three lots; the remaining lot will have its own driveway and is lined up with an existing driveway across the street. All houses will be single family. The backlot will own the 35 ft. driveway. There will be access easements for all three parcels.

A waiver will be required for the provision that states a driveway cannot provide access for more than two lots; there will be three lots off the shared driveway. A waiver will be needed for the width of the backlot; a Conditional Use Permit will also be needed. A waiver will be submitted for not having to survey boundary, topo and wetlands for the entire 78 acres.

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MOTION: S. Gerrato moved to accept the application for 108 Great Bay Road and 339 Bayside Road as complete. Second – F. Catapano; all in favor. MOTION CARRIED

The address for the shared driveway was discussed. S. Gerrato asked about a maintenance agreement and who would be responsible for snow plowing and repair of the driveway. J. Coronati stated that the homeowners association with the three owners would share the costs of at least a portion, possibly up to the cul-de-sac; that would be the limit of the common area for maintenance. D. Moore asked what would stop someone from petitioning for the private drive to become a Town road. J. Coronati stated that the pavement will be narrower than required, there would not be a right-of-way around the cul-de-sac (it would be private land), 18 ft. is being proposed for the driveway width, and there's only 35 ft. of ownership; it could also be written into the deeds and plans as well as part of the HOA.

The frontage along Bayside Road is 200 ft. or more on each lot; the right-of-way is 35.09 ft. There may be the ability to stretch the right-of-way to 50 ft.; if it's kept at 35 ft., it would be difficult to expand to 50 ft. later. There are no wetlands from the proposed access point. The private way will be paved.

Chair Winsor opened the hearing to public comment. Brian Beck questioned the site work being done on the frontage on Great Bay Road. The Board was told that DES was aware of the situation. M. Fougere told the Board that there was nothing in the regulations that would prohibit them from dealing with the application; that situation was almost one mile away. B. Beck was referred to the Building Inspector. There was not any work being done within the building envelope being discussed. Chair Winsor closed the public hearing.

MOTION: S. Gerome moved to grant the waiver from Section III – Data Required for Submission of a Subdivision, Subsections 3.3.1 (Existing Conditions Plan) and 3.3.2 (Subdivision Plan) of the Subdivision Regulations to the plan presented by Jones & Beach Engineers, dated July 24, 2019, Project No. 18097. Second – S. Smith; all in favor. MOTION CARRIED

MOTION: S. Gerome moved to grant the waiver from Section IV – Design and Construction Standards for Subdivisions, Subsection 4.4.5 – Driveways, of the Subdivision Regulations to the plan presented by Jones & Beach Engineers, dated July 24, 2019, Project No. 18097. Second – S. Smith; all in favor. MOTION CARRIED

MOTION: : S. Gerome moved to grant the waiver from Section IV – Design and Construction Standards for Subdivisions, Subsection 4.4.1.1 (c) – Lot Configuration, of the Subdivision Regulations to the plan presented by Jones & Beach Engineers, dated July 24, 2019, Project No. 18097. Second – S. Gerrato; all in favor. MOTION CARRIED

MOTION: S. Gerome moved to grant the applicant's request for a Conditional Use Permit for a backlot subdivision. Second – S. Gerrato; all in favor. MOTION CARRIED

MOTION: S. Gerome moved to approve the subdivision plan 18097, Jones & Beach Engineering, dated 05.06.2019 as submitted, with the following conditions: all lot corners set prior to recording; NHDES State Subdivision approval; all waivers shall be keyed to the plan; note added to the plan--a fence or barrier shall be installed along all wetland buffer areas prior to any lot disturbance or tree cutting; said barriers shall be inspected by the Building Inspector prior to lot clearing; a private way maintenance and access agreement shall be drafted and recorded with the plan; assessing lot numbers shall be assigned to the three new lots; a grading plan for the private way should be developed along with drainage details. The entrance to the private way will require cutting into a 3.5 to 4 slope and drainage into the Town road should be limited. The ditch line in front of the private way and towards the north will have

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to be improved to accommodate driveway drainage. Grading and drainage shall be reviewed by the Town engineer. A note shall be added to the plan and lot deeds that the proposed private drive shall remain private and shall not become a Town road. The private way should be named for 911 procedures and added to the plan. A private way sign, to include the street name, shall be posted at the site entrance. No building permit shall be issued until security is posted; any and all State and/or federal permits shall be obtained and made part of the file; a final plan set (22"x34") and an 11"x17" plan copy must be submitted for the Planning Board file; the applicant must submit a digital copy of the final full plan set as part of the Planning Board file. Second – S. Gerrato; all in favor. MOTION CARRIED

8. Approval of Minutes

MOTION: V. Morgan moved to approve the minutes of Thursday, August 01, 2019. Second – Frank Catapano; six in favor, two abstain (S. Gerome, D. Moore). MOTION CARRIED

9. Approval of Invoices

MOTION: V. Morgan moved to approve the invoice to Altus Engineering from the Planning Board Escrow Account in the amount of \$1,045.85. Second – S. Smith; all in favor. MOTION CARRIED

10. Other Business

V. Morgan noted that Matt Scruton, Town Administrator, attended a short PDA meeting on Thursday morning, August 15, 2019. V. Morgan felt it was very important that a representative from the Town start attending the meetings. He asked S. Smith to have the Selectmen consider appointing someone.

11. Topics for Work Session: Thursday, September 05, 2019

The CIP will be discussed at the work session on Thursday, September 05, 2019. The Board will also start discussing updates to the Zoning Ordinance.

12. Adjournment

MOTION: S. Gerome moved to adjourn at 8:15 p.m. Second – F. Catapano; all in favor. MOTION CARRIED

NEXT MEETING

Thursday, September 05, 2019 – 7 p.m., Work Session, Town Hall Conference Room

Respectfully Submitted – Charlotte Hussey, Administrative Assistant

Approved: