

**PUBLIC HEARING AND BUSINESS MEETING
DRAFT 12/30/04**

- A. CALL TO ORDER – 7:00 PM:** Chairman Brown called the meeting to order.
- B. ROLL CALL:** C. Brown, Chairman; D. Mitchell, Members; F. Ferreira, Jr., Selectmen’s Representative; R. McDermott, Alternate Member; M. Carriel, Rockingham Planning Commission Circuit Rider Planner; R. Vigneau, Building Inspector; L. Ruest, Secretary
NOT PRESENT: L. Smith, A. Tonry, Co-Vice Chairmen;
R. Duchaney, C. Gordon, Members

A quorum of four voting members was present.

- C. PRELIMINARY CONSULTATION:**
Charles B. Mutrie, Map 8, Lot 92, Lafayette Road
Proposed 12 Unit Age Restricted Residential Housing

C. Mutrie, Attorney M. Peckham, S. Sicard, J. Chagnon of Ambit Engineering and D. Lopatich were present. Chairman Brown requested a letter of authorization from the property owner. Attorney M. Peckham stated that she had a copy of the letter of authorization to appear before the Zoning Board of Adjustment, but due to the fact that Mr. Jasinski does not have access to a fax machine, she does not have an authorization for this application. She requested the Board accept the ZBA copy and noted that an updated authorization is in the mail to Mr. Jasinski and that she will have one for the formal application. A copy of the ZBA authorization was provided for the file.

Attorney Peckham distributed copies of renditions and plans of the proposed project and identified the location of the parcel on Lafayette Road. Plan pages of the set were provided to the applicant and the applicant was reminded that a preliminary consultation includes an exchange of ideas and not a review of plans. Attorney Peckham provided an overview of the proposed 12-unit elderly housing development. She noted that this parcel has two variances; one for the septic requirements and one for use.

The proposal is to place three separate two-story buildings of four units each with a parking garage on the ground floor. Residences are on the second floor and the buildings meet the 35’ height requirement. Two entrance/exit areas have been provided and each building has its own entrance for parking. Parking spaces have been provided for each unit. A total of 36 spaces are required and the plan has 32 at present. Request is made for waiver to allow additional parking spaces within the 20,000 square foot reserve area. In exchange for this waiver, the applicant proposes to install a state of the art septic system. This is one of the two reasons the applicant appears for preliminary consultation. The other is that the proposal does not meet the required 50’ separation between buildings. J. Chagnon reported that NH Soil Consultants has been hired to prepare HISS mapping of this 5.6 acre lot. Initial results show that approximately four acres are somewhat poorly drained soils.

C. Brown referred the applicant to the ZBA decision letter that has a condition that the proposal meets all other town regulations. Attorney Peckham stated she interpreted that condition to be that no further variances could be requested and further stated that she felt the Planning Board would be overstepping its bounds to deny waiver requests. C. Mutrie concurred. R. McDermott, Chairman of the ZBA, confirmed with C. Mutrie that he did indicate a project of 12 units. L. Ruest, ZBA

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Secretary, reminded C. Mutrie of ZBA Member M. Caruso's inquiry as to whether C. Mutrie felt the proposed 12-unit project could meet all other town regulations and that C. Mutrie's affirmative response led to this condition being placed. C. Brown added that the approval of the use of this parcel is not within the purview of the Planning Board to begin with and that the decision of the ZBA is what it is. S. Sicard inquired as to whether a waiver request to the scale of the plan would be denied as well. C. Brown stated the Board would take that request under advisement and that scale does not affect the ability to place a development on the property.

Question was raised as to whether the waiver is necessary or whether there is another location for the additional parking. Attorney Peckham stated she felt they could consider other locations but that she felt it would affect another setback. J. Chagnon stated that the area of the 20k reserve is to remain gravel and questioned whether it is allowable to place parking in this location or not. M. Carriel noted that the issue of a waiver to parking falls under the Building Code, is to be kept free of structures to include paving, and is a matter for the ZBA, not the Planning Board. Attorney Peckham stated that Section 11.4.3 gives the Planning Board the ability to issue a special use permit to relax requirements.

Discussion of the separation between buildings took place at this time. A 50' separation is required by the ordinance. Suggestion was made to reduce the square footage of each of the three buildings to acquire the required separation. D. Lopatich reported that he is looking to increase the space between the buildings but feels that only 25' separation can be achieved. M. Carriel noted that the separation requirement is a zoning ordinance and that the Planning Board cannot grant relief to this requirement. D. Lopatich stated that this is a tough site and that he is working with all setbacks. A reduction of the 50' separation by 50% to 25' would make the project work. Discussion of where reductions could be made took place at this time. The area of the lobby and square footage of each unit were identified.

The applicant was asked to work with the Circuit Rider Planner before submitting a formal application and was informed that the Planning Board does not want to address waiver requests given the condition of ZBA approval.

D. PUBLIC HEARINGS

To hear public comment on the following proposed ordinance issues:

1. Zoning Ordinance, Article III, Section 8, a rewrite of this section to add State imposed definitions and other wording, so related.

C. Brown opened this public hearing and read the current wording and proposed amended wording of Sections 8.2.2, 8.5.1 and 8.9. Discussion was opened to members of the Board. Hearing no comments or questions, discussion was opened to members of the public. No comments were heard and C. Brown closed the public hearing.

MOTION: To forward this amendment to the Board of Selectmen for placement on the 2005 Warrant.

MOTION: R. MCDERMOTT

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**SECOND: D. MITCHELL
3 IN FAVOR, 1 OPPOSED**

Question was raised with respect to whether this vote represents a passed vote. Research will be done to see if this vote allows the amendment to go forward.

2. Building Code, Section 7.13, paragraph 7.1311, to delete this paragraph in its entirety which would remove the moratorium on conducting percolation tests allowing them to be conducted at any time of year.

C. Brown opened the public hearing, read the current wording and noted the proposed amendment to delete the section in its entirety. Discussion was opened to the public. J. Lord of Brimmer Lane asked for an explanation for the removal of this section. C. Brown stated that this is a proposal made by the Ordinance and Regulations Committee and requested Chairman D. Mitchell to speak to this question. D. Mitchell acknowledged that the method used in this section of the ordinance is no longer valid and suggested that R. Vigneau would be in a better position to explain how perc testing is handled today. R. Vigneau explained the difference from how testing was done in the past versus how it is done today. Based on the change, the moratorium is no longer valid. Hearing no further comments, C. Brown closed the public hearing.

MOTION: To forward this amendment to the Board of Selectmen for placement on the 2005 Warrant.

**MOTION: D. MITCHELL
SECOND: R. MCDERMOTT
UNANIMOUS**

3. **Case 04-12-01:** Application from **Scott Warren** for a Final Public Hearing regarding amending the Site Plan for the development of the property at 143 Lafayette Road to adjust the unit mix from 400 to 550 units with no change in building size. (Map 8 Lot 56)

Scott Warren was present. He explained that he has purchased this property and project from C. Mutrie. He stated that the conditional approval is for up to 400 units. The specifications for the building design (and unit mix) he has planned allows for up to 502 units. The footprint of the building will not change just the interior configuration of units. He is requesting amendment to the plan to allow up to 550 units. He noted that parking and impact to water and septic will not change with the increased number of units.

C. Brown inquired as to whether an increased number of units will result in increased traffic. S. Warren stated that persons do not come and go from storage units; they generally store goods and visit once or twice per year. Discussion of traffic at this location took place at this time. S. Warren noted that traffic concerns have been taken into consideration and that a deceleration lane is planned for this project. It was noted that the plans provided are the plans to the prior approval and would need to be revised if approval is granted.

Hearing no further questions of the Board, discussion was opened to abutters and members of the public. Abutter Carl Richardson informed the Board of questionable activity at other storage

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facilities in New Hampshire and Massachusetts. He noted his concern with many issues to include those he raised at previous meetings and stated his objection to any more than 300 units. Mr. Richardson was reminded that conditional approval has been granted for this project and that Mr. Warren is now requesting amendment to the number of units only and that all other approvals stand.

Fire Chief J. Lord stated that he had a concern with the fire suppression system, that he met with Mr. Warren and that his needs have been satisfied. He added that he has no concern with the number of units.

Hearing no further comments, C. Brown closed the public hearing.

MOTION: To accept the application as complete.

MOTION: R. MCDERMOTT
SECOND: D. MITCHELL
UNANIMOUS

MOTION: To approve the application from **Scott Warren** for a Final Public Hearing regarding amending the Site Plan for the development of the property at 143 Lafayette Road to adjust the unit mix from 400 to 550 units with no change in building size (Map 8 Lot 56) with the following conditions:

1. That any and all fees due the Town of Hampton Falls and its consultants be paid before the mylar is signed and recorded.
2. That no changes to the approve plan(s) can be made without appearing before the Planning Board.
3. That all other conditions of approval (March 6, 2001) apply.
4. That this amendment is to address request to the number of units only from 400 to 550.

MOTION: R. MCDERMOTT
SECOND: C. BROWN
2 IN FAVOR, 2 OPPOSED, DOES NOT PASS

E. REVIEW AND APPROVAL OF PREVIOUS MEETING MINUTES: C. Brown revised page 10, paragraph four, last sentence to read "*The decision was ~~it is~~ not to ~~be~~ included ~~it~~ in the regulations but rather be a guideline for new residents.*"

MOTION: To approve the minutes of the November meeting as amended.

MOTION: R. MCDERMOTT
SECOND: F. FERREIRA, JR.
UNANIMOUS

F. OTHER BUSINESS

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1. **Ted Ham – Subdivision:** L. Ruest reported that she received a telephone call from Attorney B. Mayer confirming receipt of the Board's request for direction on this matter. He explained that there is a state statute that addresses matters such as this and that he will forward a letter of explanation. Essentially the suggestion is that Mr. Ham hire a surveyor to create a plan for recording at the Registry.
2. **Building Inspector's Report:** The Board acknowledged R. Vigneau's November report.
3. **Committee Reports:** No committee reports were reviewed at this time.
4. **Site Plan Processing:** The follow-up work on site plans is being assigned to R. Vigneau. A step by step process was reviewed at this time. This is being suggested in lieu of creating a committee of the Planning Board to review security agreements, etc. for site plan approvals. Once Planning Board approval is granted, information is forwarded to R. Vigneau for processing.

MOTION: To approve the process and put it into effect.

MOTION: F. FERREIRA, JR.
SECOND: D. MITCHELL
UNANIMOUS

G. COMMUNICATIONS TO BOARD MEMBERS: C. Brown identified mailings relating to the following subjects and indicated that the information is available to those who want it.

- Affordable Housing in NH Seminar, January 18, 2005
- Flyer Regarding Growth announces resource clearing house on-line tool funded through NH Charitable Foundation, NH Estuaries and Maine Community Foundation.
- Those seeking re-election are reminded of the filing dates of January 19 through January 28, 2005. Additional alternate members are needed.

H. ADJOURNMENT

MOTION: To adjourn the meeting at 8:45 p.m.

MOTION: F. FERREIRA, JR.
SECOND: R. MCDERMOTT
UNANIMOUS