

**PUBLIC HEARING AND BUSINESS MEETING
DRAFT 1/29/07**

- A. CALL TO ORDER:** Chairman Brown called the meeting to order at 7:00 p.m.
- B. ROLL CALL:** C. Brown, Chairperson; L. Smith, Vice Chairperson; R. McDermott, D. Mitchell, B. Mutrie, A. Tonry, Members; T. Tocci, Selectmen's Representative; M. Garavaglia, Alternate Member; D. Smith, Circuit Rider Planner; K. Kelley, Building Inspector; Lori Ruest, Secretary
- C. PRELIMINARY CONSULTATION:**
Applicant: Paul deRonde
Property Owner: Ann Keohan, 76 Lafayette Road, Map 8, Lot 95

C. Brown reported that L. Ruest received a call earlier today from the applicant indicating that he was unable to obtain a letter of authorization from the property owner in time for this meeting. He, therefore, withdrew this application.

L. Smith expressed concern with this applicant's proposal to remove buildings from the area identified as a potential Historic District for the Town. He noted that the proposal for an Historic District was defeated by the voters last March and that one reason for the proposed district was to have some control to retain historic buildings. It was also noted that an amendment to the Site Plan Review Regulations approved in 2006 allows for architectural control for buildings that come before the Planning Board for site plan review. C. Brown stated that this issue would be discussed later in the meeting under the agenda item Communications to Board Members.

D. PUBLIC HEARINGS

1. **Case # 06-11-03:** Application by **Mary Howard** for a Final Public Hearing for Site Plan Review to Construct a 70' x 170' indoor arena, a 72' x 72' barn with stalls, and an 80' x 200' outdoor arena with access and parking at property located at 6 Pevear Lane (Map 1, Lot 37)

Mary Howard and Dennis Quintal were present. Question was raised as to whether Pevear Lane is a private way or whether it is more of an easement over which the property owner may pass to access the property. M. Howard reported that to the best of her knowledge she has an easement for a shared driveway; the easement owner being Kim and Paul Michael. C. Brown stated that there is a question as to whether the applicant property meets the frontage requirements of Hampton Falls' regulations.

C. Brown informed the applicant that in order for the plan to go forward, the Board would need written documentation from the applicant allowing more than permission to pass to a private residence. She stated that the application was erroneously accepted as complete at the November meeting as this matter had not been addressed. C. Brown stated that the applicant has the option to withdraw the application without prejudice which would allow for the project to come back to the Board for consideration once issues have been addressed.

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D. Quintal reviewed the information he obtained with regard to the easement. He stated he could not find anything that said the Town has taken over Pevear Lane and that the deed includes an access easement; Pevear Lane acts like a common driveway. C. Brown stated that it appears the applicant has no ownership of the private way and that she could not do anything to improve that portion of the lane that fronts her property.

M. Howard took time to draft a request to withdraw the application without prejudice and submitted it to the Chairman.

MOTION: To accept the applicant's request to withdraw the application without prejudice.

MOTION: A. TONRY
SECOND: R. MCDERMOTT
UNANIMOUS

2. **Case #06-12-02:** Application by **Hampton Falls Storage** for a Final Public Hearing on a proposal to make minor amendments to a previously approved plan to add gas tanks, a generator, and foundation drains at property located at 143 Lafayette Road (Map 8, Lot 56)

John Chagnon of Ambit Engineering, Project Manager Dan Duvall and Owner Scott Warren were present.

Discussion took place with regard to documentation and information relating to the application not being received by the agenda close date in order to provide copies for review of Board members. J. Chagnon reported that the timing of the receipt of Jones and Beach Engineers' review comments did not allow for his response by the agenda close deadline. He has since mailed documentation for consideration of the Board as well as returned revised plans to Jones and Beach Engineers for their consideration. Jones and Beach Engineers subsequently faxed through a second review letter with comments.

C. Brown noted that it is the policy of the Board not to make decisions on documentation the members have not had an opportunity to review. C. Brown polled the Board as to continue with review of the first Jones and Beach Engineers review letter received by Board members or whether to continue this matter to the Board's February 22 meeting. The poll of the Board resulted in three willing to continue this evening and four requesting an opportunity to review the documentation.

C. Brown requested that the applicant engineer provide two items in time for the next meeting as follows:

1. Jones and Beach Comment #1 (1/15/07)—"Amended Site Plan"—C. Brown requested a plan that shows the approval(s) as granted in the past with amendments as requested with this application highlighted for easy understanding.
2. Jones and Beach Comment #19 (1/15/07)—Generator testing time is to be between the times of 8 a.m. and 5 p.m. **weekdays.**

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D. Duvall requested that he be allowed to place the propane tank on the ground in a temporary location. He stated he understood he would be doing so at his own risk given that final approval of the amendments to the plan has not been approved yet. Doing so will allow for winter construction to continue as well as heat in the building.

MOTION: To approve the request to place the propane tank with the condition that the Fire Chief and Building Inspector give their approval and that it is understood that this is a temporary location as the application has not received final approval.

MOTION: L. SMITH
SECOND: B. MUTRIE
UNANIMOUS

E. REVIEW AND APPROVAL OF PREVIOUS MEETING MINUTES

Suggestion was made to revise the last sentence of paragraph six on page two to read "Hearing none, she opened discussion to members of the public. Engineer John Chagnon indicated that he had issues that relate to his profession as an engineer. C. Brown informed him that this public hearing relates to Hampton Falls' *residents only*."

The last sentence of paragraph two, page four, was amended to read "One recommendation made was to have a representative *of the utility company* attend the preconstruction meeting to determine a location for utilities that meets the approved plan."

MOTION: To approve the minutes of the December 19, 2006, meeting as amended.

MOTION: L. SMITH
SECOND: R. MCDERMOTT
6 IN FAVOR, 1 ABSTENTION, PASSES

F. OTHER BUSINESS

1. Committee Reports

Road Committee Minutes of 12/12/06:

Item #1: C. Brown inquired as to the Committee's recommendation regarding granite bounds. M. Garavaglia explained that this matter was discussed as part of a review of subdivision regulations and proposed amendments. It is felt that granite bounds with a drill hole and metal plug are better for recovery purposes and that iron rods, as allowed, are no longer being used. It is planned to bring this amendment forward with other amendments to the Subdivision Regulations. It was requested to obtain input from B. Jones as to what is done when a boundary point is a stone wall.

Item #6: B. Mutrie inquired as to the issue relating to the private road for the Weaver/Brimmer Lane approval. M. Garavaglia provided information as recommended by B. Jones in his report

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of November 17, 2006; she stated that the Road Committee concurred that the private road could revert back to a driveway once access to the newly created lot had been provided. The question was raised as to whether this would fulfill the 250' frontage requirement for the new lot. M. Garavaglia said she would review this issue and re-address with the Road Committee if it was determined that the resulting private road frontage was inadequate.

Road Committee Minutes of 12/15/06

2. Proposed Ordinance Amendments – Building Inspector

Occupancy Permit: K. Kelley referred the Board to a draft copy of this proposed amendment. He stated that the regulation in place now is vague and does not allow for safeguards to residents. When a business comes to town, replacing a previous business use, a certificate of occupancy can be issued to ensure life safety codes and other town regulations, to include consideration of site plan review requirements.

Suggestion was made to include this provision in the Subdivision and Site Plan Review Regulation sections of the ordinance as well as the Building Code. This matter was referred to the Ordinance and Regulations Review Committee to put in proper form (proper numbering, etc.) for public hearing in February.

MOTION: To bring the proposed amendment forward for public hearing in February to incorporate into Subdivision and Site Plan Review Regulations.

MOTION: T. TOCCI
SECOND: A. TONRY
UNANIMOUS

Accessory Housing Units: K. Kelley referred the Board to a copy of the current Section 3.1.13 of the zoning ordinance and also a copy of a proposed amendment. He stated that the current ordinance has been misinterpreted and misunderstood on a number of occasions in the past that have resulted in building permits being issued erroneously. He stated that having two separate residential structures on one parcel brings about issues (reverse accessory housing, lot coverage). He stated he felt the spirit of the ordinance relates more to an accessory in-law type apartment.

The Board reviewed the proposed amendment at this time noting concerns as to how this amendment relates to the Master Plan with regard to apartments as well as issues relating to enforcement. The Board referred this matter to the Ordinance and Regulations Committee to work on with K. Kelley.

G. COMMUNICATIONS TO BOARD MEMBERS

- Jones & Beach Engineers As Built Review of Avery Ridge Lane—Letter of January 9, 2007
- December 9, 2006 letter from Martin Lonergan Re: Conditional Approval for Wetlands Special Use Permit for Map 1, Lot 98-3

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- ZBA Decision Re: Variance for School Use at 356 Exeter Road, Map 6, Lot 22, Seacoast Academy (D. Birdsall, Owner)
- Conservation Commission Minutes of 12/20/06—Tonry Easement
- Planning Board Decision Letters to Pelton Farms (Case 06-11-04) and Lusid Development (Case #06-12-01)
- The Source – Winter 2007
- Reminder – Annual Spring Planning & Zoning Conference – Saturday, April 28, 2007
- News Article, USA Today, “Small Employers Struggle To Fill Jobs”
- NH Estuaries Project Brochure – “Buffers-Protecting Water Resources”

Discussion took place on ways to provide the voters with information explaining the reasoning behind proposed amendments coming forth from the Planning Board on the March, 2007, ballot. M. Garavaglia volunteered to draft the wording for use on the ballot.

B. Mutrie distributed an Ordinance and Regulations Committee listing of proposed ordinances to review in 2007 for consideration of the Board. It was noted that the proposal to review a private sewer zoning ordinance relates to the “B” district. The issue of a Heritage Commission was removed and the issue of looking into the Main Street program was added.

The Ordinance and Regulations Committee members were also asked to resume work on the Multi-Family/Elderly Housing ordinance amendment for the 2008 warrant. It was requested that the Committee include Attorney Mark Beliveau and Attorney Lawrence Edelman in the discussions and decisions.

Historic District Commission: With reference to the Preliminary Consultation application on this meeting agenda, question was raised as to what the Town can do in order to protect buildings that might be lost to change of ownership. A recent Hampton Union article addressed this same concern. It was noted that an amendment was approved for Site Plan Review Regulations that allows architectural review. Concern was raised that the Site Plan Review Regulation might not be enough to keep a building from being demolished.

S. C. Volpone suggested the Planning Board consider recommending to the Board of Selectmen that committee members be appointed to re-look at the issue of a Historic District. He acknowledged that some mistakes were made when bringing this to voters last March. He felt that a new look and new efforts would allow for a proposal to be brought forward to voters in March, 2008. Suggestion was made to conduct a survey and also provide information that other historic buildings in town can be brought within a district.

MOTION: To recommend to the Board of Selectmen to (re)appoint members for an Historic District Committee to explore a proposal for a Historic District for the March, 2008, warrant.

MOTION: R. MCDERMOTT

SECOND: L. SMITH

4 IN FAVOR, 1 OPPOSED, 2 ABSTENTIONS, PASSES

**PLANNING BOARD
JANUARY 23, 2007**

**7:00 PM
TOWN HALL**

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T. Healey-Beattie requested to go on record commending Chairman Brown's handling of this meeting and added that she feels the Historic District matter is important.

H. ADJOURNMENT

MOTION: To adjourn the meeting at 9:03 p.m.

MOTION: T. TOCCI
SECOND: R. MCDERMOTT
UNANIMOUS

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