

PUBLIC HEARING AND BUSINESS MEETING

- A. CALL TO ORDER:** L. Smith called the meeting to order at 7:00 p.m.
- B. ROLL CALL:** L. Smith, Vice Chairperson; A. Tonry, R. McDermott, B. Mutrie, J. Shaw, Members; T. Tocci, Selectmen’s Representative; M. Garavaglia, Alternate Member; D. Smith, Circuit Rider Planner; K. Kelley, Building Inspector; Lori Ruest, Administrative Assistant

Not Present: C. Brown, Chairperson

M. Garavaglia was designated a voting member for this meeting.

- B. PRELIMINARY CONSULTATION:** **Andrew Himmer and/or Paul Rabenius
33 Lafayette Road, Map 7, Lot 64
Proposed Change of Use to Mixed Use**

L. Smith stated that preliminary consultations are non-binding on both parties; the applicant and the Planning Board. This discussion will be an exchange of ideas and information only and will not include consideration or review of plans. Andrew Himmer (Audio Video Experience) was present. It was acknowledged that a proper letter of authorization has been submitted for the file. He reported that he is a home theatre designer who has entered an agreement to purchase 33 Lafayette Road for a showroom and design center business. A. Himmer reported that the main building on the property is currently used as offices for a builder, real estate agency and window and door sales. There is a second building on the property currently used for storage for building materials and equipment. A. Himmer requested the Board’s direction with respect to a mixed use of the property in that he would like to use the upper story of the storage building as an apartment (700 square feet) for him to reside. The first floor of the storage building would remain storage. The main building (three floors – approximately 2,600 square feet) would be used entirely for show rooms.

L. Smith stated that the garage is located within the wetland buffer and that no expansion or increase in the size of the footprint of the garage is allowed. K. Kelley reported that he inspected both the garage and main building. He noted that the septic system would need to be reclassified for mixed use (commercial and residential) and that the change of use requires site plan review before the Planning Board. He added that major renovation would be required to the main building if a residential use was proposed. Question was raised as to whether the proposal of adding an apartment would fall under accessory use. It was determined that given the fact that this property falls within the “B” District that site plan review applies, however, relief might be needed from the Zoning Board of Adjustment for the nonconforming structure.

D. PUBLIC HEARINGS

Add the definition of a **Certificate of Occupancy Permit** to Section 4 of Subdivision Regulations, and Section 3.2 of the Site Plan Review Regulations.

Add: **11.0 Certificate of Occupancy Permit** to Article XI- Administration and Enforcement of the Site Plan Review Regulations, and **9.0 Certificate of Occupancy Permit** to Section 9- Administration and Enforcement of the Subdivision Regulations of the Town of Hampton Falls.

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The purpose of these additions to the Site Plan Review Regulations, and the Subdivision Regulations is to promote the health and well being of Hampton Falls citizens and guests, and deter persons to use or occupy, or permit the use of or occupancy of, any land, structure, or part thereof, created, erected, changed, converted or altered in its use of structure until a Certificate of Occupancy Permit is issued by the Town of Hampton Falls Building Inspector.

Copies of the full text of all proposed changes were made available for review.

L. Smith opened the public hearing reading the purpose as provided in the legal notice. Decision was made to address one amendment at a time beginning with the amendment to Site Plan Review Regulations, adding a definition to Section 3.2 as well as adding Section 11.0 Certificate of Occupancy Permit to Article XI – Administration and Enforcement. Discussion was opened to comments of the Board. J. Shaw inquired as to the definition of “extensive electrical or plumbing renovations.” K. Kelley explained that codes make the determination as to what is above normal repair. Hearing no further comments from the Board, discussion was opened to members of the public. No comments or questions were heard. L. Smith closed the public hearing.

MOTION: To adopt the amendment to Site Plan Review Regulations Article XI- Administration and Enforcement, Section 11.0 Certificate of Occupancy to include the added definition to Site Plan Review Regulations Section 3.2.

MOTION: T. TOCCI
SECOND: R. MCDERMOTT
UNANIMOUS

L. Smith opened the public hearing reading the purpose as provided in the legal notice. The Board addressed the second proposed amendment to Subdivision Regulations adding Section 9.0 Certificate of Occupancy to Section 9 – Administration and Enforcement to include the addition of a definition under Section 4 of the Subdivision Regulations. Discussion was opened to members of the Board. Hearing none, discussion was opened to members of the public. No comments or questions were heard and L. Smith closed the public hearing.

MOTION: To adopt the amendment to Subdivision Regulations Section 9 -Administration and Enforcement, Section 9.0 Certificate of Occupancy to include the added definition to Subdivision Regulations Section 4.

MOTION: B. MUTRIE
SECOND: T. TOCCI
UNANIMOUS

A Certificate of Adoption will be prepared for each amendment as approved above for signature of the Board. Once signed, it will be forwarded to the Town Clerk for filing and forwarding to the Office of Energy and Planning.

- 1. Case #07-04-02:** Application by **Richard Davis** for a Final Public Hearing for a Site Plan on a Proposed Private Middle School at property located at 356 & 340 Exeter Road (Map 6, Lot 22)

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Case #07-04-03: Application by **Richard Davis** for a Final Public Hearing for a Site Plan on a Proposed Private Middle School at property located at 356 & 340 Exeter Road (Map 6, Lot 22-2)

Bill Straub of CMA Engineering, Paul Marino, representing owner David Birdsall, Scott Votey, Director, Richard Davis, and Charles Graham, representing Seacoast Academy were present. L. Smith opened the public hearing expressing concern of the late start to this process given that Seacoast Academy is accepting applications for August/September 2007. He noted that this leaves only four months to the opening date to ensure all approvals are in place. The March 27 letter of authorization from property owner, David Birdsall, was acknowledged for the record. This authorization also acknowledges permission to use a portion of the neighboring parcel (also owned by D. Birdsall) to be used for the purpose of emergency access. ZBA minutes of the approval for the proposed use have been provided to the Planning Board members.

A. Tonry stepped down from the Board as she is an abutter. It was noted for the record that she did not receive certified notice of this application. A review of the town property tax maps on file found that a recent lot line adjustment approval has not been added to the maps. The applicant provided abutter information based on records on file at the Town Hall.

C. Graham commended Board and staff members on their credibility and assistance to get this proposal before the full Planning Board. He stated that all are aware of the timeline constraints and that it is anticipated that some life safety matters will need to be addressed at the applicant's own risk while the process goes forward with the Planning Board. Bill Straub displayed a plan for public viewing and stated that although work has been done to incorporate D. Smith's comments; he would be presenting information based on those plans the Board received with the application.

B. Straub reported that conditional approval to use a portion of Map 6, Lot 22 (within a red-hatched area) as a school was approved by the ZBA at its December, 2006, meeting. The conditional approval decision is noted on the plan. Seacoast Academy is proposing to use certain existing buildings with few changes. A portion of the parcel is located within Exeter and application has been submitted (for a meeting of April 26) with the Town of Exeter Planning Board as well. The proposed changes to the driveway fall on the Exeter portion of the parcel.

B. Straub referred to the red-hatched area and buildings on the plan that are proposed for the use of a school. The other areas on the plan are not to change. Seacoast Academy has a lease agreement for the school use within the red-hatched area preserving the other areas of Map 6, Lot 22 for other uses previously approved. Two separate applications have been filed; one for Map 6, Lot 22 and another for Map 6, Lot 22-2 (emergency access lane). New construction to existing buildings includes an external fire escape and building entrance (shown on the plan in blue). Architectural issues, facades and profiles will remain unchanged.

The existing driveway is 12-13' wide and is planned to be widened to 18' (dark gray areas shown on the plan). The existing parking area is to be reconfigured to a loop situation to allow drop off/pick up of students. A 45' turnaround radius is planned. No other site improvements are planned. The Exeter Planner has required an exaggerated depression of the southwest corner of the driveway to keep the area below grade to restrict run-off from crossing Exeter Road. B.

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Straub noted minimal increase (.12 cfs) in run-off with the additional paved area. The proposal to increase the depression is being addressed by judgment and not based on a specific design.

The existing water for the site will not change. The existing well serves both the school building and main house/offices/classroom. Exeter water is provided to the site and services the horse farm for fire protection purposes only. It is planned to tap into this water for fire protection purposes of the main house/office/classroom building as this building will be updated with a sprinkler system.

Fire Chief J. Lord reported that the Highway Safety Committee met to address the proposals for the driveway and turnaround areas. The Committee is agreeable to the turnaround area, however, recommends the driveway be widened to 20' to allow for more room for vehicles to pass each other without traveling off the edge of pavement. T. Tocci requested the engineer bring this recommendation to the Exeter Planner for consideration and incorporate it onto the plan. B. Straub reported that the plan is to leave the existing roadway as is, saw cutting the edge to build a full 24" road base with 3" of new pavement and one inch of new pavement overlay of the entire driveway to include crowning.

B. Straub stated that the Exeter Planner has parking concerns as does D. Smith. Lengthy discussion took place with regard to the requirement for parking spaces. No parking detail was provided on the plan. Question was raised as to whether parking spaces are available for a specific number of staff members or whether it addresses full-time equivalent positions and also whether parking is available for others such as volunteers, school events, parent meetings, handicap designation, etc. B. Straub stated he would re-look at the requirements and report back on parking with a plan. It is felt that adequate parking is available. Question was also raised as to how many cars can queue along the driveway off of Exeter Road. B. Straub reported 40. Seacoast Academy is reviewing staggered arrival times. S. Votey stated he would provide a copy of the written plan to the Board and that Seacoast Academy will commit to not having cars stacked up on Route 88 should it become an issue. All student activity is planned to be in the school and some in the house (meeting room and one classroom). It was reported that the owner of the property is responsible to maintain the driveway as part of the lease arrangement. J. Shaw suggested that provisions for pedestrians be made part of the plan. B. Straub reported that he felt there is no need as no pedestrian traffic is anticipated.

B. Straub reported that the fenced in area on the plan will be reconfigured and used as a school yard. The dumpster is to be relocated with its fencing. B. Straub stated there is no need for a wetland scientist as the area of disturbance is high and dry. C. Graham noted that HISS mapping has been done as part of the prior approval for the equestrian use. No additional exterior lighting is planned at this time. Concern was expressed with the lack of lighting along the driveway and exterior lighting for evening events. The pool is to be filled in. The note on the plan will be corrected to remove the statement that it is to be filled with concrete.

The second application is for the emergency access on the neighboring parcel (Map 6, Lot 22-2). B. Straub stated he plans to add a bar scale and signature block to the plan presented with the application.

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B. Straub stated that Seacoast Academy has a lease agreement with D. Birdsall that assures the use of a school and that he didn't feel the plans need to be recorded at the Registry of Deeds on that basis. L. Smith inquired as to the garage with apartment above that is attached to the house/offices/classroom. R. Davis stated that Seacoast Academy is not leasing this portion of the building, that it is currently empty and under the control of the property owner. R. McDermott asked if the use of the house has changed from that presented to the Planning Board for Home Occupation Permit and the ZBA for variance. C. Graham reported that upstairs is residence for S. Votey and downstairs is administrative offices. B. Straub added that the meeting room is intended for use by students once it meets life safety codes. R. Davis referred to his letter of August 22, 2006, as provided as part of the Preliminary Consultation held with the Planning Board. R. Davis added that it was the intention to use the first floor of the house as offices for the first year with the second year used for students (upstairs for offices). This probably won't be done as the cost of safety measures is cost-prohibitive.

C. Graham stated that plans are drafted for the renovation of the interior. They relate to changing the interior of the former gallery (office as labeled on the plan set) to ensure fire safety, separate into classrooms and minimize the flue effect of the stairway. With regard to the rear area of the house (meeting room/classroom), concern has been expressed with the condition of the existing wiring. C. Graham assured the Board that no portion of any structure will be occupied with student activities until an occupancy permit has been issued. Plans are envisioned for use of a portion of the house/residence with the understanding that it has to be brought up to code.

Suggestion was made to label the buildings with the use that approval is sought as compared to the existing use(s) as noted on the plans as any change in use will require application for amendment with the Planning Board. Discussion of the lease agreement took place with regard to the emergency access lane on the Map 6, Lot 22-2. Question was raised as to whether the Fire Chief is acceptable to the condition of the emergency access lane as required by ZBA approval. Question was also raised as to whether the variance goes away if the neighboring parcel with the emergency access lane is sold. C. Graham noted that the lease guarantees emergency access and added that if the owner sold the property he would be violating the terms of the lease if other access is not provided.

Discussion was opened to abutters and members of the public. A. Tonry inquired as to specifics with regard to the multiple uses on the property. She asked whether manure/hay/etc. trucks will be entering/exiting by way of the driveway. R. Davis stated the driveway will be restricted to the school use. Others will use the emergency access lane on the neighboring parcel. A. Tonry noted concern with 18-wheel trucks parking on the emergency lane and/or being unable to turn around to exit. It was suggested that a location be added to the plan for the parking of these vehicles. It was requested that a note be added to the plan stating the restriction of the driveway for the use of the school as well as no parking permitted on the emergency access lane.

A. Tonry stated concern with the occupancy of the apartment over the garage attached to the main house. Although it is vacant now, she questioned whether it will be occupied by someone unrelated to the school use. P. Marino stated that D. Birdsall currently has two leases in place (one for the horse barns and one for the proposed school). One of the two apartments (Map 6, Lot 22) has been used by a trainer in the past and this apartment is currently under the control of

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the property owner and that there is no intention to lease at this time. P. Marino added that the owner understands this concern and that there are no plans to rent the apartment to someone not affiliated with the school. P. Marino will ask D. Birdsall if he is willing to put a restriction on the plan.

A. Tonry recommended a stop sign be placed at the end of the driveway as well as line markings to delineate that the driveway is two-way. It was noted that Exeter Road (Route 88) is a state road. The Board requested the applicant engineer contact District 6 to make sure there are no issues with regard to a driveway permit for this proposal. A. Tonry received confirmation that the status of the cemetery on Map 6, Lot 22 will remain the same. A. Tonry encouraged with Board to continue with its practice of recording approved site plans especially given the requirement of an emergency access.

D. Smith provided a copy of the Exeter Planner's memo for inclusion in next month's mailing packets. B. Straub stated he plans to report to the Exeter Planner in writing and will provide a copy for the Board. Plans will also be amended to include changes resulting from D. Smith's memo, the Exeter Planner's report and comments and requests made this meeting.

MOTION: To accept jurisdiction of the applications (Case #07-04-02 and #07-04-03) as complete.

MOTION: T. TOCCI
SECOND: J. SHAW
UNANIMOUS

L. Smith stated that the public hearing would remain open until review comments are received and reviewed.

MOTION: To forward the amended plans to Jones and Beach Engineers, Rockingham County Conservation District and Department Heads for review on the condition that \$2,500 engineering review fees and amended plans are received.

MOTION: T. TOCCI
SECOND: B. MUTRIE
UNANIMOUS

A. Tonry resumed her seat on the Board.

E. REVIEW AND APPROVAL OF PREVIOUS MEETING MINUTES

MOTION: To approve the minutes of the March 27 meeting as written.

MOTION: R. MCDERMOTT
SECOND: J. SHAW
5 IN FAVOR, 2 ABSTENTIONS, PASSES

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L. Smith acknowledged and introduced Roger Spoerry to the Board. R. Spoerry was asked to consider serving as Alternate Member to the Planning Board. R. Spoerry stated he would be willing to serve.

MOTION: To appoint Roger Spoerry as Alternate Member of the Planning Board.

MOTION: R. MCDERMOTT
SECOND: A. TONRY
UNANIMOUS

F. OTHER BUSINESS

1. Committee Reports

Conservation Commission Minutes of April 12, 2007 – L. Smith noted the Conservation Commission’s review of the Marelli (Map 5, Lot 58) proposal to allow the construction of a new home in the wetland buffer before the ZBA meeting on April 26, 2007.

2. Driveway Culverts – Requirement for Headwalls

T. Tocci requested that a note requiring proper headwall construction be required on subdivision plans approved by the Planning Board. It was explained that when the Selectmen are requested to accept a road as a Town road, the Town Engineer inspects and submits a final report. In some instances, one outstanding item is the lack of or improper headwalls. This puts the Town in a position to have to contact individual property owners to seek compliance. Efforts are also being made to update the Driveway Permit application with information requiring headwalls. Approval is monitored by the Road Agent and Building Inspector. Following discussion, the Board agreed to include specific wording on the Subdivision worksheet in order to ensure a note is included on final approved subdivision plans.

3. Building Code – Septic Reserve Area Amendment (3/13/07)

L. Smith referred the Board to a letter of April 10, 2007 received from the RCCD with regard to a concern relating to the amendment to Building Code (Section 7.13) recently approved. This matter will be discussed next meeting.

G. COMMUNICATIONS TO BOARD MEMBERS

- Follow up letter – Harold & Doris Tanner – Case #05-10-03 – Map 4, Lot 40
- 3/27/07 letter form Jones & Beach Engineers – Hampton Falls Storage Partners – Map 8, Lot 56
- Town of Kingston, ZBA Notice of Public Hearing – 4/26/07
- Workforce Housing and Land Conservation Forum Seminar – May 4, 2007
- “The Wetland Edge” Newsletter, Spring 2007

H. ADJOURNMENT

PLANNING BOARD
APRIL 24, 2007

7:00 PM
TOWN HALL

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MOTION: To adjourn the meeting at 9:04 p.m.

MOTION: A. TONRY
SECOND: M. GARAVAGLIA
UNANIMOUS

PB042407