

PUBLIC HEARING AND BUSINESS MEETING

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

R. Spoerry was designated a voting member for this meeting.

C. PUBLIC HEARINGS

- 1. **Case # 07-06-01:** Application by **Andrew Himmer** for a Final Public Hearing to Amend an Existing Site Plan to allow a Residence in an Existing Barn at property located at 33 Lafayette Road (Map 7, Lot 64)

Andrew Himmer and Attorney John Ratigan were present on behalf of this application. J. Ratigan referred the Board to the plan set provided with the application. He explained that the applicant obtained a variance for the proposed accessory use. The plan is to keep the barn within its existing footprint adding an accessory living space on the upper level. The applicant is purchasing 33 Lafayette Road from Northway Builders and plans to operate a high end electronics equipment sales office dedicated mostly to display of products. One or two employees are anticipated within the office. Following discussion of required parking, it was identified that there are 12 parking spaces dedicated to the sales use, two parking spaces for the residential use, leaving an extra two parking spaces available.

J. Ratigan reviewed Circuit Rider Planner D. Smith's review memo at this time. He reported that professional stamps will be provided on the final plan set. With respect to water lines, J. Ratigan reported that Jones and Beach Engineers modified the plan where the septic and water would tie in to the barn. This will be shown on the final plan set. J. Ratigan stated that the Zoning Board of Adjustment approval stipulates the restrictions of the accessory use in the barn or no more than what is allowed by regulation. There is no request for waivers at this time.

Discussion was opened to Board members. In response to B. Mutrie, J. Ratigan restated that water lines will be noted on the final plan set. Hearing no further questions of the Board, C. Brown opened discussion to abutters and members of the public. No comments or questions were heard. C. Brown closed the public hearing.

MOTION: To accept the plan as complete.

MOTION: L. SMITH
SECOND: R. MCDERMOTT
UNANIMOUS

MOTION: To approve the application by **Andrew Himmer** for Final Public Hearing to amend an existing Site Plan to allow a residence in an existing barn at property located at 33 Lafayette Road (Map 7, Lot 64) with the following conditions:

- That any and all fees due the Town of Hampton Falls and its consultants be paid before the mylar is signed and recorded.
- That the building height and sightless objects (pipes, stacks, air conditioners, etc.) not exceed 35 feet.
- That no additional use or change of use shall be permitted unless approved by the Planning Board.
- That amended approval is for an accessory residence.
- That no changes to the approved plan(s) can be made without appearing before the Planning Board.
- That a note be added to the amended site plan referencing back to the approved plan, signed by the Planning Board Chairman and dated 6/12/2001, recorded at the Rockingham County Registry of Deeds as D29011.
- That a licensed land surveyor stamp and engineer certification be added to the plan.
- That the ZBA decision of May 24, 2007 be added to the plan.
- That parking spaces be noted and identified with regard to use (two for residential and 14 for business).

MOTION: L. SMITH
SECOND: R. MCDERMOTT
UNANIMOUS

2. **Case # 07-06-02:** Application by **Jane Jensen, Trustee** for a Final Public Hearing to Amend an Existing Site Plan to allow a 2500 square foot Apartment at property located at 83 Lafayette Road (Map 8, Lot 89)

Peter and Jane Jensen and General Contractor, Tom Wasson, were present. J. Jensen explained the request is to add a 2,500 square foot apartment to the third floor of the existing building. C. Brown expressed concern with certain items that are lacking on the submitted plans. The applicant was informed of the need for a signature block on the final plan set. Discussion of required parking took place. It was identified that there is adequate parking to meet requirements and that two spaces will be dedicated for the residential use with signage identifying them as such. T. Wasson reported that the well and septic are adequate for the added use of the apartment. A copy of the approved septic plan (reclassification 3/26/07) is on file with the Town. C. Brown noted that given the minor changes to the plan, waivers are not required as there is no stipulation to conduct a full site plan.

C. Brown stated that the prior approval references will need to be added to this plan; specifically, the Rockingham County Registry of Deeds recording number and date. J. Jensen submitted a copy of a septic design plan, however, was told that the actual approval of the original site plan as signed and dated by the Planning Board Chairman will be needed for reference purposes and will be a condition of approval of the amendment. T. Wasson noted that the plan before the Board is a resurveyed plan that was done within the last month. The septic and well information will also be required as a condition of approval. J. Jensen confirmed that water is tested

regularly. K. Kelley noted that the existing building meets or exceeds International Building Code requirements.

Discussion was opened to abutters and members of the public. Roberta Sliva, Depot Road, inquired as to the privacy hedge that was required with a past approval (1991?). J. Jensen explained that snow and snow plows have destroyed the hedge over the years. The Board confirmed for Ms. Sliva that the only proposed change is within the third floor of the building and there are no proposed changes to the exterior. K. Ayers, Nason Road, suggested that a search at the Registry be done to identify the original approval in order to determine other conditions that might apply to the original approval. Hearing no further comments, C. Brown closed the public hearing.

MOTION: To accept the application as complete.

MOTION: L. SMITH
SECOND: B. MUTRIE
5 IN FAVOR, 1 ABSTENTION, PASSES

Further discussion of the Board identified concerns with regard to approving the request for amendment without first knowing the approvals granted in the past. On behalf of the applicant, T. Wasson requested continuance to the Board's next meeting in order to allow time to research the prior approval(s) that date back to 1981 and 1991.

MOTION: To accept the applicant's request to continue this application to the Board's next meeting (July 24) in order to provide a copy of the original recorded plan, to include any amended plans, for the Board's consideration.

MOTION: J. SHAW
SECOND: R. MCDERMOTT
UNANIMOUS

- Case # 07-06-03:** Application by **Tuck Realty Corporation** for a Final Public Hearing to allow a Six-Lot Single-Family Subdivision, Lot Line Adjustment and Wetlands Special Use Permit for a 7,200 square feet Bio-retention Pond and Drainage Conveyance at property located at Kensington Road, Route 84 (Map 1, Lot 65 and 65-1)

Sherman Brickett, owner of the property, John Krebs of Tuck Realty, Attorney John Ratigan, representing Tuck Realty, and Christian Smith of Beals Associates were present. C. Smith referred the Board to the plan provided with the application. He reported that the proposal for lot line adjustment and subdivision involves Lots 65 and 65-1 of Map 1. The total area owned by Mr. Brickett totals 51 acres, however, the proposal is to develop 30 acres of this property and 2.7 acres of the Golas property for a six lot subdivision serviced by 900 linear feet of roadway. Open swales, a small collection area and culverts will bring water to a bio-retention pond. A waiver is requested to allow plastic corrugated HDPE pipe material. The request for Wetlands Special Use Permit relates to the proposal to encroach 7,200' of wetland buffer. C. Smith noted that a meeting was held with members of the Conservation Commission and that options have been discussed with regard to encroaching the wetland buffer. A meeting was also held with the

Fire Chief with regard to the cistern. C. Smith added that various State applications have been submitted for consideration and ultimate approval

C. Smith stated that he submitted written response to D. Smith's review comments. L. Ruest informed the Board that the letter was received today and is not part of their documents. She also explained the agenda close deadline to C. Smith.

Discussion was opened to members of the Board. Although it is understood that Preliminary Consultations before the Planning Board are non-binding, C. Brown stated concern with the fact that certain issues were identified as problems and should not have been presented with an application for Final Public hearing. With reference to the 125' Subdivision requirement, C. Smith showed another concept plan. He noted that the issue of the 125' Subdivision requirement improved somewhat, but affected other requirements such as frontage. He also noted that the building envelopes are compromised as compared to the plan submitted with the application. C. Smith stated the applicant would be willing to request a waiver to the requirement of 125 feet, on the condition to place additional monumentation. L. Smith noted that the alternative plan does not meet the 125' requirement either.

Discussion of the two locations where the well radius falls on a neighboring parcel took place. C. Smith identified 15+ feet of the well radius falls over the property line. C. Brown informed him that Planning Board practice has been not to allow any well radius on an abutting property when creating new lots. She acknowledged the State allowance of 10 feet, however, noted that the two lots in question don't meet the State requirement. The Board requested C. Smith review the issues of the 125' Subdivision regulation and the well radius in order to draft a plan that meets requirements. L. Smith asked if the applicant can present a bio-retention pond that does not intrude into the wetland buffer. C. Smith presented another option noting that it is not desirable as it will require tree removal. It was determined that the plan is not ready for acceptance. J. Shaw added that he feels the lack of sidewalks is a health and safety concern. C. Brown stated the Town will not accept sidewalks and that sidewalks are not a requirement for the plan.

J. Ratigan provided information on other types of ordinances that allow for different lot configurations. He added that he feels the Board is allowed to grant waivers and that the issues of health, safety and welfare should be considered when doing so. He acknowledged that the Town can have ordinances more strict than the State, however, feels there is no local regulation with regard to water. He stated the applicant will try to address the issues raised and come back with a revised plan. J. Ratigan requested that application fees be waived and that this matter be continued to the Board's next meeting.

MOTION: To waive application fees and the requirement for abutter notices and continue this application to the Planning Board meeting of July 24, 2007.

MOTION: L. SMITH
SECOND: R. MCDERMOTT
UNANIMOUS

C. Brown informed the abutters in attendance that no further written notice will be forthcoming and that meetings will be posted month to month.

L. Smith reported on the meeting with the Conservation Commission regarding intrusion into the wetland buffer for a retention pond. Suggestion was made to consider placing the retention pond in the cul de sac. Board policy has been not to place anything within the cul de sac area and that the cul de sac area be paved.

E. REVIEW AND APPROVAL OF PREVIOUS MEETING MINUTES

L. Ruest will adjust the flow of the minutes to relate to the actual business conducted (items taken out of order) rather than by agenda items as the draft was presented.

L. Smith revised page three, paragraph 6, last sentence to read “The Board requested that the engineer attempt to improve the situation with regard to the frontage concern in order to eliminate the gap as shown on the plan *and to address the 125’ minimum width requirement of Subdivision Regulation 7.1.6.2.*”

MOTION: To approve the minutes of the May 22 meeting as amended.

MOTION: L. SMITH
SECOND: R. MCDERMOTT
UNANIMOUS

F. OTHER BUSINESS

1. NH DES Dredge & Fill Application Request for Extension – Heirs of Drucilla Lonergan, Map 1, Lot 98-3, Permit #2001-2501 due to expire 10/24/07

A copy of this application was provided to Board members for information purposes.

2. Committee Reports

Ordinance and Regulations Review Committee Minutes of 5/21/07 with copy of document entitled “Protecting Historic Resources Through Demolition Review” that includes information regarding a Demolition Review Ordinance.

Conservation Commission Minutes of 5/10/07 and 6/14/07

3. Joint Meeting of Selectmen/Planning Board/ZBA/Conservation Commission

L. Ruest will draft a proposed agenda for a meeting in September.

4. Proposed Amendment – Site Plan Review Regulation 6.2.27 Architectural Review

C. Brown referred the Board to a draft copy of a proposed amendment to the referenced Site Plan Review Regulation. The proposal is to add the following:

“The proposed plan/project shall be harmonious and aesthetically pleasing in the context of the area where it is located. See enabling statute RSA 674:44.”

MOTION: To bring this amendment to the Planning Board meeting of July 24, 2007 for public hearing.

MOTION: C. BROWN
SECOND: R. MCDERMOTT
UNANIMOUS

R. McDermott informed Board members of a cancelled RPC training session due to lack of sign-ups. He urged Board members to take advantage of these training sessions as they are informative and helpful. The RPC might try to schedule another session in the fall.

G. COMMUNICATIONS TO BOARD MEMBERS

1. 14th Spring Training & Zoning Conference Report: This matter will be added to the July agenda.

C. Brown acknowledged the following:

- Follow up letters – Richard Davis/Seacoast Academy and Gregory Binette
- 5/25/07 Letter from John Ratigan with regard to the Mini-Golf proposal for 2 Depot Road
- RSA 674:53 – Land Affected by Municipal Boundaries
- 5/16/07 NH DOT driveway application by John McInnis – Map 1, Lot 52-1
- Public Notice, Town of Epsom, Personal Wireless Services Facility
- NH Estuaries Project – Coastal Watershed Assistance
- Gulf of Maine, Summer 2007

H. ADJOURNMENT

MOTION: To adjourn the meeting at 9:23 p.m.

MOTION: R. MCDERMOTT
SECOND: L. SMITH
UNANIMOUS