

PUBLIC HEARING AND BUSINESS MEETING

- A. CALL TO ORDER:** C. Brown called the meeting to order at 7:02 p.m.
- B. ROLL CALL:** C. Brown, Chairman; L. Smith, Vice Chairperson;
A. Tonry, R. McDermott, B. Mutrie, Members;
T. Tocci, Selectmen's Representative; R. Spoerry,
M. Garavaglia, Alternate Members; D. Smith, Circuit Rider
Planner; K. Kelley, Building Inspector; L. Ruest,
Administrative Assistant
Not Present: J. Shaw

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

C. PUBLIC HEARINGS

1. Add and adopt a new **amendment** to the **Site Plan Review Regulations**. The proposed change will add an amendment to **Section 6.2.27**, which will include a statement that in accordance with RSA 674:44, any proposed plan/project shall be harmonious and aesthetically pleasing in the context of where the proposed project is located. *Copies of the full text of all proposed changes are available for review at the Town Hall.*

C. Brown opened the public hearing, read the text of the legal notice and opened discussion to members of the Board. B. Mutrie asked whether the wording of the current ordinance could be changed to read "structures" instead of "buildings." C. Brown indicated that the matter before the Board at this time is last sentence only. D. Smith expressed concern with approving this amendment without first providing specific guidelines or appearance codes. He stated that he felt the term "harmonious and aesthetically pleasing" would be open to interpretation. He acknowledged that he understood that the look of a "big box" style store would not meet the historic nature of the areas the Town is looking to protect.

C. Brown stated that the wording proposed was taken directly from the state statute. D. Smith agreed that the RSA reference should remain with the proposed wording, but that a list of guidelines should be added. Following discussion, the Board agreed to table this matter to allow D. Smith time to work with the Ordinance and Regulations Committee to add detail that would support the proposed statement. It was understood that the proposed amendment would affect site plan projects throughout Town. L. Smith suggested the Committee review the Manchester v. Gerber court decision and obtain legal review.

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) *Continued from June meeting.*

PUBLIC HEARING AND BUSINESS MEETING

Peter and Jane Jensen and Tom Wasson were present. This hearing was continued to allow the applicant time to obtain a copy of the original recorded site plan, identify septic and well approvals, show the square footage of the first and second floors of the building and address the requirement of parking spaces.

T. Wasson referred the Board to a copy of the approved and recorded site plan (D-22955) dated May 1994 as well as a revised plan noting the square footage of the three floors of the building. He stated that septic and well approvals are on file with the Building Inspector's office and that a review of required parking spaces resulted in six excess over the two reserved for the living unit. A Planning Board Chairman signature block has also been added to the plan.

Discussion was opened to questions of the Board. C. Brown noted for the record that there is no need for waiver requests as this is a minor request for amendment within a building that already exists. D. Smith stated that this is the first he's seen the revised plans, and sees no issues. Discussion was opened to abutters and members of the public. Hearing none, C. Brown closed the public hearing.

MOTION: To approve the applicant's request for site plan regarding
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) 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 the building height and sightless objects (pipes, stacks, air conditioners, etc) not exceed 35 feet.
3. That no building permit be issued until the mylar is signed.
4. That no additional use or change of use shall be permitted unless approved by the Planning Board.
5. That approval is for a residence.
6. That no changes to the approved plan(s) can be made without appearing before the Planning Board.
7. That a note be added to the plan providing reference back to the original site plan approval dated May 1994, Rockingham County Registry of Deeds Plan #D-22955.

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

3. **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

PUBLIC HEARING AND BUSINESS MEETING

Drainage Conveyance at property located at Kensington Road, Route 84 (Map 1, Lot 65 and 65-1) *Continued from June meeting.*

John Krebs of Tuck Realty Corporation, Attorney John Ratigan, Sherman Brickett, Christopher Golas and Scott Frankiewicz of Beals Associates were present. J. Krebs reviewed the history of this matter before the Board to include discussion at a preliminary consultation level and formal application level. He noted that a meeting was held with the Conservation Commission as well with regard to a request for special use permit. J. Krebs referred the Board to revised plans and indicated the detention pond location has been moved and there is no longer a need for special use permit. He withdrew the request at this time.

J. Krebs reported that the proposed six-lot subdivision has been retooled by the engineer and that he feels the plan is in full compliance with subdivision regulations. Waivers are requested to two requirements; one to allow plastic drainage pipes and another to allow a point less than 125'. J. Krebs further reported that the cistern location has been placed at the new road entrance with Kensington Road and that lots have been reconfigured to keep the well radii entirely on each lot.

L. Smith expressed concern with the well head locations that butt up against the 100' wetland buffer. He questioned whether a well could in fact be drilled and equipment kept outside the wetland buffer. He stated that a condition of approval will be to define the wetland buffer. J. Krebs suggested that the well heads could be field located by survey, providing a reasonable offset to the buffer, and that there would be no problem defining the wetland buffer delineation with markers. C. Brown added that given the irregularity of the wetland buffer line, it will be difficult for landowners to know where the buffer starts without markers. C. Brown requested that the solid line used to delineate the wetland buffer on the plan be changed to a different form of line as it appears to be the same as that of property lines.

S. Frankiewicz reviewed Circuit Rider Planner D. Smith's review memo of July 17 at this time.

1. Proper stamps will be part of the final plan set.
2. The request for special use permit is withdrawn.
3. It was noted that D. Smith had a draft plan for his review. It was confirmed that lots have proper frontage.
4. The scale has been changed to correct the error.
5. Well head locations will be addressed. C. Brown requested the larger font be used to identify well head locations.
6. An EPA Phase II NPDES permit is required and will be submitted prior to construction.
7. The cul de sac is to be closed/paved in the center per the Road Agent.
8. A 30,000 gallon cistern is proposed and a detail sheet is provided.

PUBLIC HEARING AND BUSINESS MEETING

The Board requested that all protections be in place when drilling wells. It was also requested that the Building Inspector be contacted to observe the drilling will not encroach into the wetland buffer. It was noted that the cistern is located in an area of a proposed variable width right of way. This matter will be addressed once comments are received from Jones and Beach Engineers. Discussion of the “temporary equipment storage” area took place. The applicant stated this location and note will be amended.

9. D. Smith had draft plans for his review. The bioretention pond has been eliminated and placed on the other side of the road.

L. Smith requested that the detention pond address a 100-year storm, doesn't have standing water so as not to create mosquito breeding and also address retention in a 48 hour time frame. S. Frankiewicz stated he would do so. L. Smith asked Attorney Ratigan whether it would be allowable to include the restrictions with regard to wetland buffer in individual deeds for the newly created lots. J. Krebs stated he agreed to monument the wetland buffer as a condition of approval and this will be done before lots are sold. He added that metal placards can be placed on trees. He stated that homeowners association will also address no disturbance to the wetland buffer. C. Brown requested a copy of the homeowner association documents for review by Planning Board counsel. Discussion of the constraints of certain lots took place. It was noted that on Lot 3, there is approximately seven feet to the wetland buffer which would prohibit a deck from being added to the home.

J. Ratigan stated he would be hesitant to put this restriction in the deeds as regulations change. He suggested that the amount of available area be spelled out for each lot within the association documents, specifically the amount of footage available to the wetland buffer. K. Kelley expressed concern with the limitations of available area to expand as most homeowners are unaware of wetland buffer restrictions. He added that some lots will not allow placement of a deck, pool or shed. It was noted that the wetland buffer area in question is currently entirely wooded with mature trees and that there are restrictions with respect to removing trees from the wetland buffer. S. Frankiewicz stated that the center line of the road is clearly marked with limits of cutting for the tree cutter to use.

A review of D. Smith's July 17 memo continued with the comments submitted June 26.

1. The fence on the Golas property is now properly labeled.
2. The request for special use permit has been withdrawn.

1. A wetlands stamp will be provided on the final plan set.
2. A road name will be requested of the Selectmen.
3. This concern has been addressed with the labeling of equipment storage, etc., stumps will be taken off site.
4. It is agreed that an EPA permit is required. Will change the note.

PUBLIC HEARING AND BUSINESS MEETING

5. The entire property has been surveyed now. The line in question has been removed.
6. The lots have been reconfigured.
7. Retention of trees has been discussed and understood.
8. Waiver request for drain pipes will be addressed once comments from reviewing engineers have been received.

C. Brown noted for the record that new test pit information for Lot #1 has been provided for the file as the septic reserve area changed with the moving of the roadway.

Discussion was opened to questions of the Board. A. Tonry requested the black markers along the roadway that identify stone check dams be included in the legend on the plan and noted accordingly. Following discussion of stone check dams and the purpose, T. Tocci noted that it will become a condition that the stone check dams be removed before final inspection and acceptance of the roadway. The Road Committee will address this.

L. Smith stated that given the redesign of the plan he feels the applicant addressed the intention of the 125' regulation and that he is willing to accept the plan as designed.

MOTION: To grant the waiver to Subdivision Regulation 7.1.6.2 that requires a 125' minimum width for a subdivision parcel. The site plan has been redesigned to eliminate the most egregious violations of this requirement on several lots which were unacceptable to this Board and the lot does meet the 125' width requirement on all points between side lot lines and between front and rear lot lines. The portion of the lot not conforming to this regulation is along a curve in the frontage right of way where the lot abuts the cul de sac.

MOTION: L. SMITH
SECOND: R. MCDERMOTT
UNANIMOUS

MOTION: To accept jurisdiction of the application as complete.

MOTION: T. TOCCI
SECOND: L. SMITH
UNANIMOUS

MOTION: To forward revised plans to Jones and Beach Engineers, Rockingham County Conservation District and Department Heads for review once the posting of \$5,000 engineering review funds is received.

MOTION: L. SMITH
SECOND: B. MUTRIE
UNANIMOUS

PUBLIC HEARING AND BUSINESS MEETING

Discussion was opened to abutters and members of the public. No comments or questions were heard. C. Brown left the public hearing open and this hearing was continued to the August 28 meeting.

E. REVIEW AND APPROVAL OF PREVIOUS MEETING MINUTES

MOTION: To approve the minutes as written with the correction of a typographical error.

MOTION: L. SMITH
SECOND: R. MCDERMOTT
5 IN FAVOR, 2 ABSTENTIONS, PASSES

F. OTHER BUSINESS

1. Committee Reports

Minutes of the Ordinance and Regulations Review Committee dated July 3, 2007 were provided to the Board.

2. Discussion of Proposed Amendment – Accessory Housing Units

A copy of a draft proposed amendment to Section 3.1.13 as well as tax cards with sample accessory units was provided to the Board. Board members were referred to the section of the tax card that identifies living area and suggested that the term “heated living area” be changed to “assessed living area.” It was reported that there is no other mechanism other than the Assessor or Building Inspector physically measuring a home to determine heated living area. Lengthy discussion took place with regard to whether the accessory should be required to be attached or whether a detached structure could be allowed. It was noted that the current ordinance provides for detached on the condition that the building (such as a garage) is existing. Suggestion was made to allow a newly constructed detached accessory unit. Some members preferred that only an existing building (such as a garage or barn) be allowed for conversion within the size limitations but were willing to consider detached. Question was also raised as to how many accessory units are in Town now and whether the Assessor can provide that information. T. Tocci stated he would ask. It was also suggested to reduce the maximum square footage (from 1,500) to 1,200 square feet.

Further discussion took place with regard to the need to comply with other ordinances when considering an accessory unit such as, but not limited to, side line setbacks, wetland setbacks and lot coverage limitations. T. Tocci noted that the current ordinance appears to be acceptable and only needs a change to wording to help with understanding. He added that in the past the Town did not have proper policing of projects by the Building Department.

PUBLIC HEARING AND BUSINESS MEETING

It was concluded to send the matter back to Committee for one more draft before sending the wording to counsel.

3. 14th Spring Training & Zoning Conference Report

T. Tocci reported that this conference was well-attended and well done. He strongly recommended that members take advantage of this, and other, training when it becomes available.

G. COMMUNICATIONS TO BOARD MEMBERS

- Office of Energy & Planning 2007 Fall Planning and Zoning Conference Notification (Saturday, October 13, 2007)
- Town & City Articles “What is the Role of Alternate Land Use Board Members?”

Following review and discussion of this article, the Board agreed to have assigned voting alternate members move from the side table to sit in the vacant member seat once designated.

- Town & City “Unanimous Court Upholds Wetlands Ordinance, Maud Anderson & a.v. Motorsports Holdings, LLC”
- NH DOT 6/19/07 letter regarding signage for Seacoast Academy
- Jones and Beach Engineers final review letter for Seacoast Academy
- 6/29/07 Site Plan Decision Letter Andrew Himmer/Northway Builders

H. ADJOURNMENT

MOTION: To adjourn the meeting at 9:35 p.m.

MOTION: A. TONRY

SECOND: R. MCDERMOTT

UNANIMOUS