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CALL TO ORDER: Chairman Santora called the meeting to order at 7:01PM.

ROLL CALL: Chairman Todd Santora, Vice Chairman Andy Brubaker, Selectman Representative Ed Beattie, Members Lisa Brown-Kucharski, Shawn Hanson, Eric Cimon, Abigail Tonry

Not present: Alternate Member Jon Ridzon

Non-voting: Building Inspector Mark Sikorski and Circuit Planner Glenn Coppelman

PUBLIC HEARINGS

Case #19-08-01: Application from Unitil Service Corp., for Final Public Hearing for Scenic Road Alteration Permit to perform storm resiliency work along a small portion of Mill Lane and along Stard Road. This would entail the removal/pruning of all vegetation growing under or over the lines and the removal of hazard trees threatening the lines. (Cross Reference Case #19-03-01) ***Continued from August 27, 2019 meeting.***

Chairman Santora called the public hearing to order and read the description of Case #19-08-01 as written above. He extends his appreciation to Chris Moultroup, Forestry Supervisor for Unitil, for the site walk that occurred on September 9th. Prior to the site walk the initial list of trees proposed for removal/pruning was decreased from roughly 174 to 46 for Stard Rd. This updated list will be referenced as “Hazard Tree Reporting Form for Stard Rd. Circuit #59x1, 9/3/2019” and “Hazard Tree Reporting Form for Mill Ln. Circuit #E23x1, 2/13/2019”.

Applicant Moultroup has no new information to provide, so Chairman Santora opens up discussion to Board Members. Members agree the site walk was a productive opportunity to assess individual trees health and scenic value.

S. Hanson notes that while the list of proposed trees for removal/pruning has decreased, he still does not feel confident in cutting or trimming any trees that are not otherwise identified on the updated Hazard Tree Reporting Forms as “dead”. E. Cimon agrees and specifies that dead trees should only be removed with minimal intrusion to the living trees and limbs surrounding them. Vice Chairman Brubaker is also in support of removing the dead trees with limited invasion to surrounding live trees and limbs, and would also support the clearance of branches within the 6 feet of transmission lines as referenced in Article IX, Section 3 of the Scenic Roads Zoning Ordinance. L. Brown Kucharski confirms she is in agreement.

E. Beattie states that he believes it is important to uphold the rural character of Hampton Falls and supports board members’ previous comments. Discussion continues between Board Members and Applicant Moultroup regarding the set back of scenic roads. G. Coppelman confirms that anything within the scenic road right-of-way, other than private property, is within the town’s jurisdiction.

Chairman Santora opens the public comment.

Scott Blood (Stard Rd., Hampton Falls) is in agreement with the Board Member’s decision to only remove dead trees. He expresses concern about previous storm resiliency work he has seen in

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neighboring towns, and cites examples he has heard of in which tree and/or limb removal has taken place on private properties without the permission of said landowners.

Taylor Blood (Stard Rd., Hampton Falls) inquires about the process in which Board Members will identify the approved dead trees for removal/trimming. Chairman Santora references Hazard Tree Reporting Form for Stard Rd. Circuit #59x1, 9/3/2019 and Hazard Tree Reporting Form for Mill Ln. Circuit #E23x1, 2/13/2019. E. Cimon adds that Board Members were able to verify the accuracy of the “dead” designation for each tree and/or limb on these documents during the site walk that occurred on September 9th.

Patricia Smith (Stard Rd., Seabrook) states that she does not support any storm resiliency work between Highway 95 and Stard Rd. She, along with several of her neighbors, are concerned that such work could eliminate the necessary noise barrier that the trees create from neighboring highways.

Chairman Santora closed the public comment.

L. Brown Kucharski inquires about the possibility of storm resiliency work on State-owned land that is located on Stard Rd. Chairman Santora confirms the Board’s preferences in regards to this land; any trees between the State owned land on Highway 95 and Stard Rd. beyond the Hampton Falls Scenic Road right-of-way need not be removed and/or trimmed. Applicant Moultroup responds that he understands the Board’s preferences.

MOTION: To approve Unitil Service Corp.’s request (Case #19-08-01) for Scenic Road Alteration permit for property located along Stard Rd. and Mill Ln., subject to the following conditions:

1. That only those dead trees as outlined on the Hazard Tree Reporting Form for Stard Rd. Circuit #59x1, 9/3/2019 and Hazard Tree Reporting Form for Mill Ln. Circuit #E23x1, 2/13/2019 are removed.
2. That all private property land owners are contacted and permission granted for any tree removal on Stard Rd. and Mill Ln.
3. That any trees trimmed are done so to the 6 foot Scenic Road Requirements.

**MOTION: S. HANSON
SECOND: E. BEATTIE
UNANIMOUS**

Case #19-09-01: Application from Terry B. Anderton, for a Final Public Hearing for a Conditional Use Permit for an existing apartment “carriage house” located on the second floor of the garage/barn on the property for the property located at 51 Depot Road (Map 2 Lot 102).

Monica Kieser of the law firm Hoefle, Phoenix, Gormley & Roberts, P.A. is representing applicant Terry Anderton; a letter of authorization is on file. This is a pre-existing guest house for which the applicant has been granted relief from the ZBA prior to this application. M. Kieser gave an overview of the history of the property and speaks to the criteria for allowing the carriage house to be granted

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an approval as a Detached Accessory Dwelling unit as referenced in Section III, 7.2 of the Zoning Ordinance.

Chairman Santora references G. Coppelman's Memo regarding the application.

Motion: To invoke jurisdiction.

**MOTION: S. HANSON
SECOND: A. BRUBAKER
UNANIMOUS**

Chairman Santora inquires if the applicant has been using the carriage house as an AirBnB and M. Kieser confirms that the carriage house has not been used in that manner for several years. This was a condition of the ZBA approval for a variance to Article III, Section 7.2.1.2. on 8/31/2017 (ZBA Case #17-02) and there is no intention to use it in this manner. M. Sikorski confirms that paperwork related to a contractor for the project should be completed in the next couple of days, which explains why the certificate of occupancy has not been issued. M. Sikorski also confirms that there is no fee related to the application for a certificate of occupancy.

Motion: To approve the applicant Terry B. Anderton's request (Case #19-09-01) for a Conditional Use permit for an existing apartment "carriage house" located on the second floor of the garage/barn on the property located at 51 Depot Rd. (Map 2, Lot 102), subject to the following conditions:

1. That any and all fees due the Town of Hampton Falls and its consultants be paid before the case is heard.
2. That the owner of the property shall occupy one of the dwelling units as his/her primary dwelling unit and be owner and landlord of the second dwelling unit.
3. That onsite parking shall be provided on the lot for both dwelling units.
4. That the accessory dwelling unit shall conform to all applicable structural, water and sanitary standards for residential buildings and that detached accessory dwelling units that utilize an accessory use building (e.g., garage or barn) shall match the character of the primary residential use located on the lot.
5. That once any renovation or construction is complete or the owner is ready to have a unit occupied, a request must be made to the Building Inspector to obtain a certificate of occupancy permit. There shall be no occupancy of the accessory dwelling unit (or either unit if the entire dwelling has been newly constructed) until the Building Inspector has issued a certificate of occupancy permit.
6. Only one accessory dwelling unit is allowed per lot. The property and proposed use must conform to any and all zoning ordinances and regulations of the Town of Hampton Falls.
7. That no accessory dwelling unit shall be condominiumized or in any way be in a different ownership than the principal dwelling.
8. That any and all conditions for ZBA Case #17-02 be made part of this approval.

**MOTION: S. HANSON
SECOND: A. TONRY
UNANIMOUS**

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REVIEW AND APPROVAL OF PREVIOUS MEETING MINUTES: August 27, 2019; September 9, 2019: Abby Tonry requests the addition of the word **DRAFT** in the heading of the August 27, 2019 meeting minutes as they have not yet been approved.

Motion: To approve the August 27, 2019 meeting minutes as amended.

MOTION: L. BROWN-KUCHARSKI
SECOND: S. HANSON
5 IN FAVOR, 2 ABSTAINED, PASSES

Motion: To approve the September 9, 2019 meeting minutes as written.

MOTION: S. HANSON
SECOND: E. CIMON
6 IN FAVOR, 1 ABSTAINED, PASSES

COMMUNICATIONS TO BOARD MEMBERS: No communications were heard at this time.

OTHER BUSINESS

- **2020 Proposed Zoning Ordinances – First review at October meeting**
2020 Proposed Zoning Ordinances will be presented at the October 22nd meeting.
- **2020 -2025 Capital Improvement Plan**
The Capital Improvement Plan will also be presented at the October 22nd meeting, in addition to the November 6th Board of Selectmen meeting.

ADJOURNMENT

Motion: To adjourn the meeting at 8:02PM

MOTION: L. BROWN-KUCHARSKI
SECOND: A. TONRY
UNANIMOUS

NEXT MEETING SCHEDULED TUESDAY, October 22, 2019, 7:00 p.m.