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PUBLIC HEARING & BUSINESS MEETING

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

B. **ROLL CALL:**

Chairman Todd Santora, Vice Chairman Eric Cimon, Andy Brubaker, Selectman Representative Ed Beattie, Members Lisa Brown-Kucharski, Shawn Hanson, Eric Cimon, Secretary Laura Jordan

Not present: Member Abigail Tonry, Alternate Member Jon Ridzon

Non-voting: Building Inspector M. Sikorski, Circuit Planner G. Coppelman (via phone)

Chairman Santora opened the meeting and referenced the current pandemic situation, requesting that all attendees honor and respect social distancing practices. He then introduced the new Town Secretary Laura Jordan.

C. **PUBLIC HEARING**

Case #05-01-20: Application from **David French** for Final Public Hearing for **Subdivision** creating three lots or less at property located at 144 Exeter Road, Map 4, Lot 63; a 5.19-acre lot with existing home to be divided into two lots. Lot 1 will be 2.00 acres and contain the existing home; new lot will be 3.19 acres. Expedited Review is requested.

APPLICANT PRESENTATION: Henry Boyd of Millennium Engineering presented his proposed lot lines plan for division of the property at 144 Exeter Road into two lots.

H. Boyd began by describing the existing structures and property. He described a very grand historic house with a large barn, and that the section of acreage proposed for lot 2 was a large field with a pond that tended to fill up with water in the winter. In addition to Sheet 1 as provided to the Planning Board, H. Boyd also presented Sheets 2 and 3, which the Secretary collected for the file at the end of the meeting. The second sheet showed the topography of the properties.

H. Boyd strongly believes that of all the possible ways to draw the lines, this version is the best solution in spite of violating Subdivision Regulation 7.1.6.2 which requires the minimum width of a property line required is 125 feet. One width area of the property is 122.5 feet. He felt the spirit of this ordinance is to prevent lots from being divided too small. He could easily redraw the lines, but then the property lines would be oddly and inconveniently shaped for the landowners. Additionally, it would create a secondary landmark which could cause confusing surveys years down the road. His solution offers clean lines and makes it easier for the neighbors. The total acreage of the lot is significant, and the slightly shorter width in an angled corner to maintain a straight border does not violate the spirit of 125 feet. He presented several ways he could redraw the line and mentioned it would be only an hour of work for him and that the client was willing to pay for it. He stated that he sought to present his particular land lines out of principle as a professional engineer that it was the most logical solution. Issues of wetlands and septic tank placement were also addressed.

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DISCUSSION OF THE BOARD: The Chairman asked if the soil test kits had been tested by RCCD, which H. Boyd confirmed. T. Santora asked to review Circuit Rider Planner Glenn Coppelman's comments in the packet and asked him for input via Zoom. He then asked Building Inspector, M. Sikorski, for input, but he had nothing to add.

S. Hanson asked about the width of the lot being less than 125 feet. A. Brubaker asked about 50-foot wetlands buffer. M. Sikorski and H. Boyd corrected that it is actually 75 feet away, so the well is outside the 50-foot requirement in Subdivision Regulation 6.2.20, p.12. It was suggested to send to this to the Ordinance and Regulations Committee for further investigation.

It was mentioned that the Board has been very strict in the past with the 125-foot rule, and that maybe H. Boyd could change the plans. H. Boyd countered that he has several configurations that match the rules technically, but feels in this rare case that the cure is worse than the disease. He said the harm is new marker and old marker might end up confused. It is only 2.5 feet. The Chairman commented that no single case sets a precedent, and in this rare case, considering the size of the resulting lots, a waiver makes sense to him. H. Boyd added that he is a highly practical engineer and designs plans that promote harmony between neighbors. He wants this to be a solution that lasts and in this case it is about the principle of greater good. S. Hanson agreed with T. Santora that this is an acceptable waiver, because the new lot will be 50% bigger than the minimum acreage required.

H. Boyd finalizes that this drawing is the cleanest way to make people happy and reduce neighbor conflicts. L. Brown Kucharski agrees in general with A. Brubaker that the Planning Board should strive to enforce the rules, but this case is a true anomaly. Also, there exists enough land to make the adjustments to code if required, so this exemption is offered in the spirit of the law. It is for practical and clean lines for two very large lots, and the 125 rule exists is to make sure the lots are drawn too small. E. Cimon adds that the Spirit of the Ordinance is to keep the space between properties and that this waiver would not violate that.

A. Brubaker commented that Nason Road is a scenic road in Town Article IX, Section 3, asked the Building Inspector about the rock walls, driveway, trees. It was stated all of that would be addressed at the time of the driveway project under the Scenic Road Ordinance. H. Boyd stated that about 4 feet of stone wall near the utility pole would be interrupted for the driveway, and the historic stones could be, as a condition, to be used to fix the other existing holes in stone wall.

The CRP G. Coppelman informed the Board via phone that a copy of the waiver dated 5/4/2020, regarding a 3/27/2020 high intensity soil mapping is on file with the Town.

PUBLIC COMMENT:

The Chairman opened discussion to the Public Comment at 7:33pm.

Beverly Mutrie, Brown Road, mentioned that she was the Chair of the Heritage Committee and the Treasurer of the United Church of Christ across from Aberdeen farm. She wanted to know what the plans were for the existing structures, particularly the barn. Also, what the square footage of the building envelope for the new lot would be.

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H. Boyd replied that no structures would be altered except for repair, and that the envelope will be substantially large. The numbers are not finalized but it is about 200 feet long, and can easily fit a four-bedroom home with a 2 car garage.

Kate McAfee, Exeter Road, wanted to know if there were other locations for the proposed driveway entrance. She encourages the driveway as presented in the current plans and addresses issues of traffic safety. The Building Inspector and H. Boyd explained multiple factors that led them to believe that location is best, including highway safety, preservation of historic rock walls, wetland issues, site distance and topography.

The Chairman closed the Public Hearing and asked if the Board was in a position to act.

MOTION: To invoke jurisdiction of Case #05-01-20.

MOTION: S. Hanson

SECOND: E. Cimon

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The Chairman next addressed the request for waivers.

H. Boyd reported that the soil is consistent and will not be harmed by the division, and there are not any wetland issues. Subdivision Regulation 6.2.20 was discussed.

MOTION: To grant the applicant's waiver request for Case #05-01-20 from Subdivision Regulation 6.2.1 High Intensity Soil Survey (HISS) and 6.4.3 High Intensity Soil Mapping.

MOTION: S. Hanson

SECOND: E. Cimon

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MOTION: To grant the applicant's request for waiver to Subdivision Regulation 7.1.6.2 regarding lot width.

MOTION: S. Hanson

SECOND: L. Brown-Kucharski

VOTE: 4 IN FAVOR, 2 OPPOSED, PASSES.

T. Santora requested that the minutes should reflect the fact that the Planning Board sets no precedent with this particular waiver. This situation is a rare anomaly that is in the spirit of the law. Further, the land acreage and plan is such that the plan could be drawn if needed to obey the ordinance, but it is impractical.

MOTION: To approve the subdivision of Map 5, Lot 63; a 5.19-acre lot with existing home to be divided into two lots, lot 1 will be 2.00 acres and contain the existing home and new lot will be 3.19 acres, in accordance with the plan by Millennium Engineering dated May 4, 2020, subject to the following **conditions:**

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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 draft deeds for the newly created lots be submitted for the Planning Board file and that the Planning Board counsel, prior to the Mylar being signed, approve the final language of all the easements and advise the cost of review and recording. All easements are to be recorded in the applicable deeds.
3. That monumentation ***and wetland district placard installation*** be bonded, set and certified with a Certificate of Monumentation and ***Certification of Wetland District Placard Installation Form submitted for the Planning Board files.***
4. That no lots are to be advertised or sold before the Mylar is signed and recorded. When and if this approved project changes ownership, the new owner is required to appear before the Planning Board to review the approved plan so as to have a complete understanding of it.
5. That the engineer obtains and identifies proper map and lot numbers for the newly created lots from the appropriate town official of the Town of Hampton Falls ***and*** that a note be added requiring that street numbers for new houses are to be assigned by the appropriate town official of the Town of Hampton Falls (before the Mylar is signed).
6. That wetland district placard markers are obtained from the Conservation Commission, at the owner's expense, and that the placard markers be posted at wetland ***buffer*** points and corners, with one, or more additional markers every 50'' prior to any tree cutting for road construction or excavation. Wetland district placard markers are to be certified with a Certificate of Wetland District Placard Installation from for the Planning Board file.
7. That mailbox location for new lot be shown on new plan, and postmaster approval provided.
8. That sheet C-1 be recorded with the Rockingham Registry of Deeds.
9. That the Final Plan have the sign and seal from the Wetlands Scientist before the Mylar, and that the signatures be shown on the plan.

MOTION: S. Hanson

SECOND: L. Brown-Kucharski

VOTE: 5 IN FAVOR, 1 OPPOSED, PASSES.

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**REVIEW AND APPROVAL OF PREVIOUS MEETING MINUTES: FEBRUARY 25 AND
MARCH 24, 2020.**

The April meeting was cancelled due to COVID-19.

FEBRUARY 25, 2020 MINUTES:

The Planning Board discussed and amended the February minutes as follows:

1. On page three of the February minutes, T. Santora's name is misspelled. Grammatical, spelling and syntax errors will be corrected in the final copy.
2. During S. Hanson's February Motion, he stated that he had wanted Sheet 1, C1 be recorded, but he did not say it in the Motion. He forgot to make a specific requirement. It was discussed if it could be requested that the condition that this sheet be recorded. The Cook Decision Letter has not been sent, so it was decided that this could be amended.
E. B. Beattie commented that the Planning Board would like to amend the minutes from February to include the following additional **Condition #24: "Sheet C1 shall be recorded at the Rockingham Registry of Deeds before the Mylar is signed."**

ORIGINAL (PAGE 3):

22. That a note be added to C-2 that all parties acknowledge that an encroachment exists at the northerly corner of Pelton Way.
23. That sheet C-2 be updated to specify a date when waivers were granted and that they are granted not requested.

MOTION: S. Hanson
SECOND: A. Brubaker
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Add condition #24: "That Sheet C1 shall be recorded at the Rockingham Registry of Deeds before the Mylar is signed."

AMENED (PAGE 3):

23. That sheet C-2 be updated to specify a date when waivers were granted and that they are granted not requested.
- 24. That Sheet C-1 shall be recorded at the Rockingham Registry of Deeds before the Mylar is signed.**

MOTION: S. Hanson
SECOND: A. Brubaker
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MOTION: To approve the February 25, 2020 meeting minutes as amended.

MOTION: S. Hanson

SECOND: A. Brubaker

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MARCH 24, 2020 PLANNING BOARD MINUTES:

MOTION: To approve the March 24, 2020 meeting minutes as written.

MOTION: S. Hanson

SECOND: E. Cimon

VOTE: 5 IN FAVOR, 1 ABSTENTION, PASSES.

COMMUNICATIONS TO BOARD MEMBERS:

No communications were reviewed at this time.

OTHER BUSINESS

1. Appointment of Committees of the Planning Board

Committee assignments were presented by the Chairman as follows:

PLANNING BOARD ORDINANCE AND REGULATIONS REVIEW COMMITTEE	
Todd Santora	Chairperson
Abigail Tonry	
Eric Cimon	
Shawn Hanson	
Edward B. Beattie	
Mark Sikorski	Building Inspector (non-voting member)
Glenn Coppelman	Circuit Rider Planner (non-voting member)
ROAD COMMITTEE:	
Abigail Tonry	Chairperson
Andrew Brubaker	
Todd Santora	
Eric Cimon	
Shawn Hanson	
Mark Sikorski	Building Inspector (non-voting member)
Glenn Coppelman	Circuit Rider Planner (non-voting member)
CAPITAL IMPROVEMENT COMMITTEE:	

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Todd Santora	Chairperson
Andy Brubaker	
Lisa Brown Kucharski	
Tony Franciosa	
Margaret Allen	
Steve Carlson	
Mark Lane	Selectmen's Representative
Lori Ruest	Town Administrator (non-voting member)
Mark Sikorski	Building Inspector (non-voting member)
ROUTE 1 SEWER COMMITTEE:	
Todd Santora	Chairperson
Ed Beattie	
Tony Franciosa	
John Colliander	
David Allen	
MASTER PLAN COMMITTEE:	
Andy Brubaker	Chairperson
Todd Santora	
Lisa Brown Kucharski	
Eric Cimon	
Tracy Beattie	

MOTION: For approval of the Planning Board Committees as by T. Santora and handed to the Town Secretary.

MOTION: T. Santora

SECOND: S. Hanson

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2. Case #19-05-01, Shabiki Realty Trust Request for 120-Day Extension

T. Santora wishes to discuss certain specifics of the Shabiki Trust application when A. Tonry and G. Coppelman are physically present at the meeting, and ask that it be added to the agenda for June. The extension was requested by the applicant in an email. The Mylar has been signed, and all that stands to be done is to work out the Indemnification Agreement and Three-Party Inspector Agreement. If the email suffices as written request, G. Coppelman advises that the Planning Board may choose to act. The Planning Board attorney has been working with the applicant's attorney on the Indemnification Agreement and other items.

MOTION: To approve Shabiki Realty Trust Request for 120-Day Extension.

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MOTION: S. Hanson

SECOND: E. Cimon

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3. Review of Planning Board Fees

After some discussion, the Planning Board has elected to postpone this to the June agenda. Further, T. Santora would like to schedule a work session with Town Administrator and Town Secretary to establish a new fee schedule based on fee research of similar New Hampshire municipalities. It was suggested that the fees of the Town of Kensington should be reviewed.

4. May 30, 2020 Spring Planning & Zoning Conference cancelled due to COVID-19

The Planning Board reviewed the literature concerning the conference and NH House Bill 1629-FN. The conference has been rescheduled for Saturday, October 31, 2020.

OTHER BUSINESS:

Jones & Beach has provided preliminary metrics for the Route 1 sewage feasibility. The Route 1 Sewer Committee will meet to discuss flow analysis and discuss how to negotiate with Seabrook. L. Brown-Kucharski feels it is a good project for long term use of Route 1, and E. B. Beattie stated there are a number of things to be done. Type of structures that will be allowed must be determined, and the citizens of Seabrook also must vote to approve. Seabrook has the capacity for Hampton Falls sewage and it would provide additional funds for Seabrook. L. Brown-Kucharski raised concerned about commercial development and preserving the rural aesthetic of the town. E. B. Beattie countered that in the 18th century, Hampton Falls did have industry. Taxes are high and some commercial development would help revenue. T. Santora mentioned that residential tax payers pay 97% of the tax burden, and even increasing the commercial tax base to 6% would be a significant benefit.

Member of the public Beverly Mutrie, Brown Road, inquired about the sewage flow numbers and mentioned that cleaning sewers is a big conundrum.

G. ADJOURNMENT

MOTION: To adjourn the meeting at 8:35 p.m.

MOTION: L. Brown-Kucharski

SECOND: E. Cimon

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NEXT PLANNING BOARD MEETING SCHEDULED TUESDAY, June 23, 2020, 7:00 p.m.