

PLANNING BOARD	March 22, 2022, 7:00 PM
TOWN OF HAMPTON FALLS	TOWN HALL

FINAL

PLANNING BOARD MEETING

A. CALL TO ORDER

Todd Santora, Chairman called the meeting to order at 7:00 PM.

B. ROLL CALL – PLANNING BOARD

Present: Todd Santora, Chairman; Eric Cimon, Vice-Chairman; Edward B. Beattie, Selectmen's Representative; Lisa Brown-Kucharski; Abigail Tonry; Andrew Brubaker; Jon Ringel.

Non-voting: Mark Sikorski, Building Inspector; Glenn Coppelman, RPC Circuit Rider Planner; Rachel D. Webb, Town Secretary.

Guests: Christopher Moultrou, Forestry Supervisor, Unitil Forestry Operations; and Benjamin Richard, Forestry Supervisor – Seacoast, Unitil Forestry Operations

T. Santora introduced newly elected Planning Board member Jon Ringel. Additionally, T. Santora introduced Will Lojek who has agreed to be an Alternate for the Planning Board.

C. REORGANIZATION OF THE BOARD

1. Nomination and Election of Chairman:

MOTION: To nominate Todd Santora as Chairman.

MOTION: L. BROWN-KUCHARSKI

APPROVED: 6 YES, 1 ABSTAINED

2. Nomination and Election of Vice-Chairman:

MOTION: To nominate Eric Cimon as Vice-Chairman.

MOTION: T. SANTORA

SECOND: L. BROWN-KUCHARSKI

APPROVED: 6 YES, 1 ABSTAINED

3. Committee Assignments:

The Planning Board appoints both Planning Board members and residents to serve on their five committees. The Planning Board also nominates, for appointment by the Selectmen, two (2) Commissioners to the Rockingham Planning Commission. The following committee assignments were made:

- a) CIP-Capital Improvement Committee: Margaret Allen resigned, and J. Ringel was appointed. All other members stayed the same.
- b) Master Plan Committee: All members stayed the same.
- c) Road Committee: J. Ringel replaces S. Hanson.
- d) Ordinance and Regulations Review Committee: W. Lojek replaces S. Hanson.
- e) Route 1 Sewer Committee: J. Ringel was added. All other members stayed the same.
- f) RPC Commissioners: T. Santora said that this subject would be discussed under Other Business, later in the meeting.

4. 2022 Planning Board Members' Contact Information Listing:

The Planning Board members were asked to please confirm their contact information for 2022, and there were no corrections, other than adding J. Ringel as a Planning Board Member, and

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adding W. Lojek as a Planning Board Alternate. The Planning Board Secretary will update the Committee assignments at the bottom of the Contacts page, and distribute to the Members.

D. PUBLIC HEARING

1. **Continuation of Case #22-02-01:** Continued from February 22, 2022 Planning Board meeting: Application from **Unitil** for Final Public Hearing for a **Scenic Road Alteration Permit** of: 1) Maintenance tree pruning on Brimmer, Brown, Depot, Drinkwater, Parsonage, Curtis, Sanborn, and Nason roads; 2) Forestry Reliability work on King St. and Sanborn Rd.; and 3) Hazard tree removal at 37 Goodwin Rd. Hampton Falls.

T. Santora provided a brief update that the Planning Board conducted a Site Walk on March 15, 2022 at 1:00 PM to view the trees on the Hazard Tree Reporting Form as provided by Unitil February 23, 2022. He, additionally, contacted some abutting property owners regarding the proposed tree removals.

The location across from the Fire Station was 4 Drinkwater, and that owner said that he was in support of all trees being removed at that location because he wants to start fresh and do some plantings to screen and block his view of the Public Safety Building. That owner further told T. Santora that he wants to cooperate with the Town and the Planning Board in support of allowing Unitil to remove the trees they are requesting to remove.

T. Santora also spoke with the abutting property owners at the locations on Drinkwater Road, at the largest Oak tree on the list (pole 25-26, 30-inch), and also at the large Pine at the corner of Starvish Lane (pole 27-28), and both owners quickly responded that they would like the trees to be removed. The owner adjacent to the Oak said he was aware of the ant activity in the tree, and was fearful during windstorms, hearing cracking in the tree. The owner adjacent to the Pine said that he was aware the tree was in tough shape and commented that he has enough tree coverage.

E. Cimon asked how Board members should proceed to make a motion, given this subject matter; should members reference the list provided by Unitil, or reference street names, or each specific tree. T. Santora responded to go through the Unitil list and make decisions on each tree by pole number, that were reviewed on the Site Walk, within those specific areas, and then the other locations can be decided generally, by street, so that changes to the list will be noted.

E. Beattie discussed, in general, the Scenic Road Alteration Permit notification by Unitil of proposed Hazardous Trees for Removal process of identifying trees may or not be acknowledged by the landowner. He said that T. Santora did due diligence and followed up with the property owners of the trees in question for the owners' feedback. E. Beattie questioned when does the public get notified about the tree trimming and tree removal. There was a discussion about requiring abutter notifications for tree removal, and whether that should be by regular or certified mail. There was discussion about the sequence of steps, that notice should be given before flagging of trees. B. Richard responded that Unitil sequentially leaves two (2) door hangars plus they knock on the door, and they do not proceed to remove trees until an owner approves.

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G. Coppelman added to consider flagging the trees at the same time as the door hangars are placed. E. Beattie's point was to provide the owner with a second or third notice following Unitil's 2 door hangars, "that after careful consideration by the Planning Board, it was decided that these trees should be removed/ or should not be removed". It was the consensus of the Planning Board that in the future, a form letter be developed to send to property owners along a road with proposed tree removal to notify them, and to give them the opportunity to provide input and to comment on the process. In conclusion, E. Beattie stated that in the future he wants the process to be proactive and not reactive.

T. Santora read through, line-by-line, Unitil's Hazard Tree Reporting Form as updated February 23, 2022, by street, asking if any Planning Board members had comments regarding specific trees on the list. The Planning Board members agreed with most of the trees on Unitil's list to be removed (most were dead trees) with the following three (3) locations where specific trees were discussed as exceptions to the list, and it was decided that trees in those specific locations be deleted from the list, and not cut down/removed by Unitil.

- A) Drinkwater Road x Starvish Lane, Pine, at pole 27-28, 24-30 inch;
- B) Sanborn Road Ash trees:
 - (1) at pole 20-21: 4 trees at 8-12 inch, 1 tree at 12-16 inch, and 4 trees at 16-20 inch;
 - (2) at pole 21-22: 2 trees at 8-12 inch;
- C) King Street x Frying Pan Lane Ash tree, at pole 14-15, 8-12 inch

A reminder comment was made that Unitil must comply with the Town Scenic Road Ordinance regarding trimming that reads: cutting of branches is permitted within six-feet (6') of transmission wires.

MOTION: To approve case # 22-02-01: Application from Unitil for Final Public Hearing for a Scenic Road Alteration Permit of: 1) Maintenance tree pruning on Brimmer, Brown, Depot, Drinkwater, Parsonage, Curtis, Sanborn, and Nason roads; 2) Forestry Reliability work on King St. and Sanborn Rd.; and 3) Hazard tree removal at 37 Goodwin Rd. Hampton Falls, with the following three (3) street location exclusions and stipulation. To further clarify, the following trees are to be deleted from the Hazard Tree Reporting Form, as updated by Unitil February 23, 2022, so that these trees will not be removed:

- A) Drinkwater Road x Starvish Lane, Pine, at pole 27-28, 24-30 inch
- B) Sanborn Road Ash trees:
 - (1) at pole 20-21: 4 trees at 8-12 inch, 1 tree at 12-16 inch, and 4 trees at 16-20 inch;
 - (2) at pole 21-22: 2 trees at 8-12 inch
- C) King Street x Frying Pan Lane Ash tree, at pole 14-15, 8-12 inch

Tree removal is to be in accordance with the Zoning Ordinance, Article IX, Section 3, Scenic Roads, that cutting of branches is permitted within six-feet (6') of transmission wires.

MOTION: E. CIMON

SECOND: L. BROWN-KUCHARSKI

APPROVED, 6 YES, 1 ABSTAINED

B.Richard stated that the tree work will occur this Summer, at the earliest starting in June.

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E. REVIEW AND APPROVAL OF PREVIOUS PLANNING BOARD MEETING

1. MINUTES: February 22, 2022.

MOTION: To approve the minutes of the Planning Board from February 22, 2022, as written.

MOTION: E. BEATTIE

SECOND: L. BROWN-KUCHARSKI

APPROVED, 5 YES, 2 ABSTAINED

2.MINUTES: March 15, 2022, Site Walk. It was the consensus of the Planning Board members to review and approve the minutes from the Site Walk March 15, 2022 at their next meeting April 26, 2022.

F. OTHER PLANNING BOARD BUSINESS

1. Review of Ordinance and Regulations Committee (ORRC) proposals for amendments to the Zoning Ordinance and/or Regulations. T. Santora provided an update that new definitions work is nearing completion, with the goal of holding Public Hearings in October/ November for consideration at March 2023 Town Meeting warrant and election. The new definitions are regarding the following terms: non-conforming; hazardous materials; elderly, multi-family, and workforce housing dwelling units. Additionally, the Planning Board will be making modifications to both the Subdivision and Site Plan Regulations to require As-Built Plans. Certificate of Adoption forms will be filed following the Public Hearing at the Planning Board meeting April 26, 2022.

MOTION: To move the proposed minor modifications within both the Subdivision and Site Plan Regulations, regarding requiring As-Built plans, to Public Hearing April 26, 2022.

MOTION: E. CIMON

SECOND: E. BEATTIE

APPROVED, 6 YES, 1 ABSTAINED

2. T. Santora read excerpts from a letter he received from Jim Mitchell regarding the Depot Road Subcommittee of the Parks and Recreation Commission's (DRSPRC) proposals regarding the Depot Landing location, requesting input from the Planning Board. T. Santora stated that, in his opinion, that the proposals are not a Planning Board issue, and that the Planning Board has no jurisdiction over the proposed project. E. Beattie provided some background and context (over the past two years) of how interest in the Depot Landing has come to the forefront with numerous stakeholders' interests. He further explained that the Town's recent effort is to coordinate what the Town's response might be to the requests by people to utilize the Depot Landing versus what was going to happen to the property locally. He encouraged the public to pay attention, as it is an ongoing issue, and the Board of Selectmen have not yet received a Final Report from the DRSPRC regarding any proposals for raising monies, obtaining grants, planning and implementation of plans. Further, the Board of Selectmen have not yet made decisions on the next five-years of the Depot Landing, such as what it should

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look like, and how it should be used. It is all preliminary; the DRSPRC is taking input, and if the public has an opinion to share, then please speak out.

A.Brubaker offered comments to his fellow Planning Board members, as one of the Rockingham Planning Commission Commissioners, stating that Scott Bogle, Sr. Transportation Planner at the RPC is the expert on Rails-to-Trails programs, and if DRSPRC needs more input, he should be consulted. Additionally, A. Brubaker continued, that any proposals by DRSPRC should be discussed with the RPC, and E. Beattie said that that suggestion has been made, and A. Brubaker said that he also made the suggestion to one of the DRSPRC members.

3.Nomination of RPC Commissioner to the Rockingham Planning Commission, Richard McDermott. T. Santora said that in his nine (9) years on the Planning Board that not once has R. McDermott reached out to him, and to his knowledge, the Board of Selectmen, to inform or update him on issues relevant to Hampton Falls at the RPC, nor asked for input on projects at RPC that may affect Hampton Falls. Basically, there has been no communication, so for that reason, T. Santora said he could not recommend R. McDermott's renomination to the RPC, via reappointment by the Board of Selectmen. E. Beattie responded that the Planning Board's job is to nominate a person for consideration by the Selectmen for appointment to the RPC.

A.Brubaker said that R. McDermott represents the Town of Hampton Falls at RPC Commissioner meetings with a wealth of experience, and that they always talk after those meetings. A. Brubaker said that he, himself, brings forward topics and issues from the RPC (as relevant), to the Planning Board, and it would be redundant for R. McDermott to do the same. G. Coppelman spoke in support of R. McDermott saying that he, himself, is also an RPC Commissioner (as a representative from his own town's Planning Board), and that R. McDermott is well-respected. L. Brown-Kucharski also was in favor of R. McDermott continuing to serve as the RPC Commissioner for Hampton Falls, citing his knowledge of the community. A. Tonry asked if R. McDermott has been asked if he wants to continue to serve or not, and the response was that he does, so she was in support of his continued appointment, and so was E. Cimon for the same reason.

MOTION: To nominate Richard Mc Dermott for consideration by the Board of Selectmen for (re)appointment to the Rockingham Planning Commission, for a four-year term to expire 2026.

MOTION: A. BRUBAKER

SECOND: L. BROWN-KUCHARSKI

APPROVED, 5 YES, 2 ABSTAINED

G. COMMUNICATIONS TO BOARD MEMBERS

1. Training opportunity: NH Municipal Association 2022 Local Officials Workshop, "Knowing the Territory", April 05th, 9-4 Tuesday, or May 17th, 9-4 Tuesday.

2. Annual Spring 2022 Planning and Zoning Conference; by NH Office of Strategic Initiatives (NHOSI), Saturdays April 30th, and May 07th, 2022 from 9am-12pm. Online and free. Each session will be recorded and available after the conference. Registration opens March 28, 2022.

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A.Brubaker asked if the Planning Board Secretary would please provide the Planning Board members with an agenda of each training session, so that people can discern which sessions they want to attend. All sessions are virtual, and all are free.

3. T. Santora distributed a copy to all Planning Board members, of the article in NH Town and City magazine from the March/April 2022 issue, by David L. Stack, Bow Town Manager, titled: "A Capital Improvement Plan is Not Just a Wish List."

4. T. Santora introduced Will Lojek, and said that he has agreed to serve as a Planning Board Alternate member, and he requested a motion for that appointment, for a term of one (1) year.

MOTION: To appoint William J. Lojek, to serve as an Alternate member of the Planning Board, for a term of one (1) year, expiring March 23, 2023.

MOTION: E. CIMON

SECOND: L. BROWN-KUCHARSKI

UNANIMOUS

H. ADJOURNMENT

MOTION: To adjourn the meeting at 8:45 PM

MOTION: L. BROWN-KUCHARSKI

SECOND: E. CIMON

UNANIMOUS

NEXT PLANNING BOARD MEETING SCHEDULED TUESDAY, April 26, 2022, at 7:00 PM.

These minutes prepared by Rachel D. Webb, Planning, Zoning and Town Secretary.