

**PUBLIC HEARING AND BUSINESS MEETING
FINAL**

- A. CALL TO ORDER:** C. Brown called the meeting to order at 6:35 p.m.
- B. ROLL CALL:** C. Brown, Chairman; L. Smith, Vice Chairman; A. Franciosa, B. Mutrie, Members; M. Kasprzak, Selectmen's Representative; R. Spoerry, Alternate Member; L. Ruest, Administrative Assistant; D. Smith, Circuit Rider Planner; K. Kelley, Building Inspector
Not Present: R. Janvrin, A. Tonry, Members

R. Spoerry was designated a voting member for this meeting in R. Janvrin's absence.

C. PROPOSED AMENDMENTS:

1. Building Code

The proposed amendment for the Building Code was pulled last month awaiting input from Planning Board Counsel. Attorney Mark Beliveau of Pierce Atwood has submitted a letter dated November 8, 2010 outlining rationale for eliminating Building Code Sections 7.18 and 7.18.1.

At this time, the Board conducted a page by page review of the proposed amendments to the Building Code identifying grammatical changes made last meeting and addressing a renumbering issue now that two sections have been removed.

MOTION: To bring the proposed amendments to the Building Code to public hearing at the Planning Board's December 14, 2010 meeting.

MOTION: B. MUTRIE
SECOND: R. SPOERRY
UNANIMOUS

D. Smith will prepare legal notice wording for preparation of the legal notice on November 19.

2. Zoning Ordinance, Section 12, Home Occupation

The Board reviewed proposed amendments to Section 12, Home Occupation, as prepared by D. Smith in a draft document marked "for consideration at the 11/16/10 Planning Board Meeting." C. Brown reviewed each proposed change with the Board noting that the intention of changes is to allow home occupations that are recreational in nature such as tennis or swimming lessons. Two minor changes were made; one grammatical and the other to remove the word "instructors" from Section 12.4.1.1. B. Mutrie inquired as to whom is to agree on a professional standard as outlined in Section 12.4.1.1. C. Brown stated that the Town's Building Inspector would be one and the other would be whoever has a professional understanding. She added that the Building Inspector could seek additional professional advice from someone who knows more about what's proposed to be constructed. B. Mutrie expressed concern with a swimming pool being an Olympic size pool.

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MOTION: To bring the proposed amendment to Zoning Ordinance, Section 12 – Home Occupation to the Planning Board’s December 14, 2010 meeting for public hearing.

**MOTION: M. KASPRZAK
SECOND: B. MUTRIE
UNANIMOUS**

D. Smith will provide legal notice wording for the posting of this notice as well by November 19.

C. Brown reported that D. Smith has provided a copy of proposed amendments to Zoning Ordinance Article IV, Signs and Special Regulations, to her for consideration this evening. D. Smith stated the purpose of the proposed amendments is to have the Zoning Ordinance be consistent with the Site Plan Review Regulations sections relating to Dark Skies initiatives. He suggested that this matter be brought to the December meeting for consideration with the hope to bring to public hearing in January. C. Brown noted that a special meeting would be required in January in order to meet time limitations of the warrant. Discussion took place with regard to whether or not this matter is to come forward this year. C. Brown returned the marked up copy to D. Smith for review at the December Planning Board meeting.

D. Smith was excused from the meeting at this time.

D. Capital Improvement Program Committee Report

Maurice Caruso, Chair of the CIP Committee was present to present the plan for 2011-2016. He explained the definition of a Capital Improvement Project and reported that the Committee met with Department Heads in order to bring this information forward to the Planning Board for consideration of recommendation to forward to the Board of Selectmen.

M. Caruso reviewed the proposed Plan department by department, item by item, identifying that some projects are one-time expenses and others are proposed capital reserve funds over a number of years. Planning Board members indicated a need for education on matters relating to the condition of Town buildings and the needs to maintain and improve them. Suggestion was made to include information in an upcoming newsletter. M. Caruso stated that suggestion has been made to ask the Facilities Committee at Lincoln Akerman School to work on identifying needs and providing information and recommendation. B. Mutrie suggested that an Energy Efficiency Committee member be part of this project. Discussion took place with regard to the need to replace roofing on Lincoln Akerman School. Although one figure has been presented this year, it is anticipated that more accurate information will be available for next year’s Plan spreading the cost and work over a number of years.

MOTION: To accept the Capital Improvement Plan 2011-2016 as presented.

**MOTION: L. SMITH
SECOND: T. FRANCIOSA
UNANIMOUS**

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MOTION: To send the report to the Board of Selectmen as recommendation from the Planning Board.

MOTION: L. SMITH
SECOND: B. MUTRIE
UNANIMOUS

M. Caruso is to present this Plan to the Board of Selectmen at its November 17 meeting.

E. PUBLIC HEARING

2. Case # 10-10-01: Application from **115 Lafayette Road Real Estate Trust** C/O Maria Elias for Site Plan Final Public Hearing to allow a proposed building with approximately 1,824 SF of a retail space to be used as a Seafood Market Place with a 24 seat restaurant and take out service on property located at 115 Lafayette Road (Map 8, Lot 60-1) *Continued from October meeting.*

W. Morrill of Jones and Beach Engineers was present. No members of the public or abutters were present. For the record, C. Brown identified that the Board has received a copy of the Planning Board's decision letter dated November 1, a letter from Jones and Beach Engineers dated November 9 identifying the changes made as indicated at the Planning Board's October 26 meeting, letter from Jones and Beach Engineers dated November 9, regarding answers to requests of South East Land Trust (email from Karin Rubin 10/26/10). The Board acknowledged the fact that the building is not located on the easement area.

C. Brown acknowledged receipt of Jones and Beach Engineers October 27 letter to Altus Engineering and the comment review letter from Altus Engineering dated November 9. She noted that revised plans and other documentation, to include a revised drainage analysis, regarding responses to issues identified by Altus Engineers have been received from Jones and Beach Engineers earlier today. Concern was expressed with this review resulting in 87 review comments. Determination was made that a review of the 87 comments would not take place this meeting as is practice of the Board given that the members have not had a chance to review Jones and Beach Engineers response letter.

W. Morrill stated he had the same concern with regard to the number of comments and noted that most are housekeeping items. Discussion took place with regard to certain comments questioned by Board members. The Board decided to have Jones and Beach Engineers work out matters with Altus Engineering and bring back an engineering review letter from Altus with fewer comments. L. Smith expressed great discontent with the number of issues identified and the need to go back to Altus to ensure all are addressed and recommended continuing this matter to the Board's December meeting. W. Morrill was asked to speak to items #12, #9, #50, #54, #71 and #86.

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C. Brown stated that the Board would be looking for plans that address all of Altus Engineering's comments as well as a final review letter from Altus indicating all has been satisfied.

MOTION: To accept the application as complete.

MOTION: L. SMITH
SECOND: R. SPOERRY
UNANIMOUS

Discussion took place with regard to who chooses the Town engineer and suggestion was made to put the matter out to bid. It was noted that Jones and Beach Engineers does a good job for the Town when reviewing plans, however, has been problematic as the engineer presenting plans. Suggestion was made to have the Chair send a letter to Jones and Beach Engineers expressing the Board's concern in this regard.

F. REVIEW AND APPROVAL OF PREVIOUS MEETING MINUTES

Page 2, paragraph 8, was revised to read:

*T. Franciosa asked if this amendment would be a separate warrant article from the warrant article for the addition of Section 4 to the Building Code. C. Brown stated that the two motions ~~will~~ **should be addressed by the Board of Selectmen putting these together as one warrant article on the ballot. The motion was amended to read:***

The subsequent motion was amended as follows:

MOTION: *To forward Article XI – Administration, Section 2, Permits, of the Zoning Ordinance to be added to the Building Code, Section 4, addition of Demolition Delay Review for Historic Buildings and forward both to the Board of Selectmen for inclusion as one warrant article on the March 2011 warrant.*

MOTION: To approve the minutes of the October 26 meeting as amended.

MOTION: L. SMITH
SECOND: T. FRANCIOSA
UNANIMOUS

G. OTHER BUSINESS

1. Committee Reports

C. Brown acknowledged minutes of the Capital Improvement Committee of September 14, the Ordinance and Regulations Review Committee meeting of November 3 and September 15. She asked L. Ruest to provide a copy of the draft Capital Improvement Committee minutes of November 9 in the next member mailing packet.

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Planning Board Membership: Inquiries were made with regard to the status of certain members who have not been present at meetings. C. Brown stated that she is seeking recommendations for alternate members and asked L. Ruest to send an email to R. Janvrin to inquire as to his status as Planning Board member asking if he remains interested in serving as a member of the Board by way of a response that he is still a resident of Hampton Falls.

H. COMMUNICATIONS TO BOARD MEMBERS

- Letter from ZBA of November 2 to T. P. Realty regarding questions relating to relief granted for the septic system at 1 Lafayette Road (Map 7, Lot 70)
- Letter from RCCD of November 15 regarding need for removal of a note on T. P. Realty septic plan as the note is not needed (C. Brown requested that K. Kelley follow up to ensure this correction is made.)
- Decision Letter to T. P. Realty dated November 1, 2010
- Jones and Beach Engineers letter dated October 29, 2010 review of construction cost estimate for T. P. Realty
- Letter from Fire Chief dated November 2, 2010 to NH DOT regarding utility pole at 1 Lafayette Road – T. P. Realty project
- Letter to David Benoit with regard to Fox Hill Lane and the expiration of the approvals for this subdivision (Map 4, Lots 53-6 through 53-11)
- Fall 2010 issue of “Supply Lines with the Source”
- Invitation to “Water, Weather, Climate and Community” workshop sponsored by the NH Coastal Adaptation Workgroup on November 23, 2010

I. ADJOURNMENT

MOTION: To adjourn the meeting at 8:37 p.m.

MOTION: L. SMITH
SECOND: R. SPOERRY
UNANIMOUS