

**PUBLIC HEARING AND BUSINESS MEETING
FINAL**

A. CALL TO ORDER: C. Brown called the meeting to order at 7 p.m.

B. ROLL CALL: C. Brown, Chairman; A. Franciosa, Vice Chairman; B. Mutrie, G. Parish, A. Tonry, S. Volpone, Members; M. Kasprzak, Selectmen's Representative; L. Ruest, Administrative Assistant; D. Smith, Circuit Rider Planner;
NOT PRESENT: K. Kelley, Building Inspector

C. PUBLIC HEARINGS

Review and adoption of Hampton Falls **Master Plan Chapter 13: Energy** – The chapter includes, but is not limited to, a purpose for writing an energy chapter, roles and responsibilities of the Hampton Falls Energy Committee, findings and recommendations for promoting energy efficiency in Town.

C. Brown opened the public hearing noting that copies of the proposed Energy Chapter were available for the public. No comments were heard from the public or the Board. C. Brown closed the public hearing.

MOTION: To include Chapter 13: Energy in the Hampton Falls Master Plan as written.

MOTION: B. MUTRIE
SECOND: S. VOLPONE
UNANIMOUS

D. REVIEW AND APPROVAL OF PREVIOUS MEETING MINUTES

MOTION: To approve the minutes of the June 28 meeting as written.

MOTION: T. FRANCIOSA
SECOND: S. VOLPONE
5 IN FAVOR, 2 ABSTENTIONS, PASSES

E. OTHER BUSINESS

1. T. P. Realty – Case #10-07-01 – Resolve Final Issues:

C. Brown explained that the reviewing engineer, Jon Ring of Jones and Beach Engineers, had brought to her attention a number of issues that he identified as part of his review. Based on this, she asked that his review letter be copied and distributed for review of Board members this evening. A copy of the letter had previously been emailed to the applicant engineer.

Board members took time to read the letter at this time. Following review, C. Brown noted that some of the 40-plus items are minor in nature and that some need discussion.

**PUBLIC HEARING AND BUSINESS MEETING
FINAL**

The Board began an item-by-item review, held discussion and determined that the applicant engineer and Town's reviewing engineer should work out each of these items. It was suggested that the 40-plus item listing be revised to include comments of the result of each item (i.e., resolved, needs attention, etc.). This will allow for the Board to address those items needing discussion between the Board and applicant. This matter was continued to the Board's August 23 meeting.

C. Brown requested that W. Evans contact J. Ring, review the items listed in the letter and resolve as many items as possible. Property Owner D. Benoit will call L. Ruest once the work on site is completed and ready for inspection. L. Ruest will then let Jones and Beach Engineers know so a final inspection can take place.

Discussion took place among Board members as to allowing the Town Engineer to work with the applicant engineer. It was noted that this is the practice for most applications; however, the business relationship is between the Town and Engineer. Discussion also took place as to the applicant's responsibility to get all information to the reviewing professional and the Board's practice of not accepting lengthy documents for consideration at the time of the meeting.

**2. Proposed Amendment – Zoning Ordinance Article III, (Accessory Dwelling Unit)
Section 3.1.13.2**

Board members reviewed a proposed change to the section of this ordinance relating to living area requirements.

It was explained that last time this ordinance was amended, the intent was to allow accessory dwelling units within an existing structure to include allowing an accessory dwelling unit in a detached structure as long as the structure was existing prior to the date of the approved amendment. Otherwise, the accessory dwelling unit would need to be attached to an existing structure.

It was noted that the Building Inspector has allowed/approved building permit(s) to the contrary. D. Smith stated that the intent was that an accessory structure detached and existing as of March 2009, could qualify for an accessory dwelling unit. However, any detached structure built after the approved amendment could not have an accessory dwelling unit unless it was attached to an existing structure; any stand-alone structure could not have a permitted apartment.

Discussion took place with being more definitive as to what is existing to include an "as of" date. Although the intent was made, it apparently did not carry through with the amendment.

C. Brown asked if the Board felt the matter is ready to be brought to public hearing. It was determined that the matter would go back to Committee for further review and consideration. It was agreed that the matter should be clear to any Building Inspector that may have to interpret it.

**PUBLIC HEARING AND BUSINESS MEETING
FINAL**

It was agreed that the Committee would discuss this matter again and bring its recommendations to the full Planning Board for review and consideration. Concern was raised with the potential of penalizing new property owners by not allowing the same opportunity as those who have existing structures. Of note, was that by allowing accessory dwelling units in detached structures, the ordinance is essentially making every lot a two-family lot. D. Smith offered information from other towns where restrictions such as owner-occupancy and requiring all structures to look like the primary dwelling are in place.

It was agreed that this matter is premature and that the full Board should review the issue and identify its intent for the record. It was also agreed that all changes to this ordinance should be presented on the warrant together. The Committee will review attached vs. detached, existing structures and/or a time limit.

3. Form Based Codes Presentation - Circuit Rider Planner Dylan Smith

D. Smith distributed paper copies and presented a Power Point presentation identifying and explaining Form Based Codes to include relationships between buildings and landscapes, regulating plans, road and street standards, public space standards, building form standards and administrative processes. This presentation relates to discussion held with the LAS Board representatives and rezoning of portions of the Commercial District (Route 1).

D. Smith provided examples of projects in Stratham and Dover. He stated that should Hampton Falls consider Form Based Codes, the process would include a five step process which takes approximately two years to complete.

Discussion took place with regard to options, holding a discussion at Committee level and costs. First, an area for consideration would need to be identified.

C. Brown thanked D. Smith for this presentation. She asked that this matter be considered after the other priorities of the Ordinance and Regulations Review Committee to see if there is interest in bringing this suggestion to the full Board.

4. Certificate of Adoption – Subdivision Regulations Sections 7.9 Septic System Requirements and Section 8.6 Drainage

Members signed this Certificate of Adoption for filing with the Town Clerk's office.

5. Committee Reports

No committee reports were reviewed at this time.

H. COMMUNICATIONS TO BOARD MEMBERS

- ZBA Decision Letter Case #11-02 – Diamond Star Properties

**PUBLIC HEARING AND BUSINESS MEETING
FINAL**

- Letter from Town of Seabrook Re: Concerns with Poker Room, 1 Lafayette Road, Map 7, Lot 70
- Hampton Falls Planning Board Response to Seabrook Letter Re: Concerns with Poker Room, 1 Lafayette Road, Map 7, Lot 70
- Engineer Review Report #6 – 115 Lafayette Road Seafood Marketplace: C. Brown will follow up with the Interim Building Inspector to ensure these corrections are being made.
- NH Division of Historical Resources Letter Re: Applcrest Farm Orchards Solar PV

OTHER: B. Mutrie asked that consideration be given to changing the meeting dates of the ZBA and/or Planning Board so that ZBA meetings fall in advance of the Planning Board. Following discussion of how this would affect other meetings scheduled as well as the timing of submission of applications and documents, it was restated that should an applicant need relief from zoning, an application should first be submitted to the ZBA. Once relief is granted, application can be made to the Planning Board. D. Smith confirmed that if an applicant is not ready for the Planning Board, application to the ZBA should be done first. No action to change meeting dates was taken.

I. ADJOURNMENT

MOTION: To adjourn the meeting at 9:31 p.m.

MOTION: A. TONRY
SECOND: S. VOLPONE
UNANIMOUS