

BUSINESS MEETING  
FINAL

A. CALL TO ORDER

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

C. REVIEW AND APPROVAL OF PREVIOUS MEETING MINUTES

Revisions made include:

Page 2, third paragraph:

*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 ~~policy~~ practice of not accepting lengthy documents for consideration at the time of the meeting.*

Page 2, seventh paragraph:

*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 ~~an~~ **permitted** apartment.*

Page 3, seventh paragraph:

*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.*

**MOTION:** To approve the July 26 minutes of the Planning Board as amended.

**MOTION:** T. FRANCIOSA  
**SECOND:** B. MUTRIE  
**UNANIMOUS**

D. OTHER BUSINESS

1. **T. P. Realty – Case #10-07-01 – Resolve Final Issues:** C. Brown referred the Board to an email outlining the status of the Town Engineer's review of this amended site plan and

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the hope that all can be completed and reported on with favorable comments before the agenda close date of the September meeting (September 20). This matter is continued to the September meeting.

2. **Committee Reports:** Minutes of the **Ordinance and Regulations Review Committee** meetings of June 29, July 27 and August 17 were acknowledged for the record.

It was reported that the **Road Committee** plans to meet in September to discuss a request from the developer's engineer for Wadleigh Lane to eliminate the subdivision approval requirement for 80' of guardrail at the cul de sac end. Discussion took place with regard to the area, the sloping, ability of large vehicles such as school buses to utilize, etc. Due to liability, the Planning Board made the decision that the 80' guardrail be retained. T. Franciosa is to bring this information to the Road Committee.

3. **Proposed 2012 Budget – 4191- Planning & Zoning:** C. Brown reviewed the proposed changes to the Planning/Zoning Budget (4191) for the 2012 budget year to include increases due to loss of grant matching funds, offsetting revenues and potential of additional funds for the Heritage Commission. Discussion took place as to whether it is appropriate for Heritage Commission funds to be included as part of the 4191 budget line. C. Brown stated she included information as a question to the Town Administrator and Board of Selectmen to address. Board members asked that should decision be made to include Heritage Commission funds in the budget that detailed information be included in the right column of the budget to identify funds that do not relate to Planning/Zoning. No changes were made to the budget (4191) prepared by the Planning Board Chairwoman.
4. **Proposed Subdivision Regulations Amendments:** The Board reviewed a draft of the proposed change in percentage of maintenance contingency from 15% to 20% (Sections 7.4.1, 7.4.3 and 7.4.7) as well as addition to Section 7.4.6 to add "**All verbiage within the security agreement is subject to the approval of the Planning Board and/or its counsel. All security instruments shall be non-lapsing and shall only be released upon written consent of the Town of Hampton Falls or its designated agent.**" It was identified that the math calculation in the example provided in Section 7.4.1 needs to be corrected to reflect 20% as follows:

For example, if the cost of construction is \$300,000, 10% (\$30,000) will be added to cover inflation, and ~~\$49,500~~ **\$66,000** will be included for the maintenance contingency. The resulting security amount is ~~\$379,500~~ **\$396,000**.

Discussion took place with regard to B. Mutrie's concern with Section 7.4.4 in that she felt that requiring completion within two years in the current economy was inappropriate. Further discussion resulted in support for retaining the two year completion requirement in order to protect the Town from situations where something goes wrong with a road project, the developer walks away or there is failure of the road, etc.

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**MOTION:** To bring the proposed amendments, as amended, to public hearing at the Planning Board's September 27 meeting.

**MOTION: M. KASPRZAK  
SECOND: G. PARISH  
UNANIMOUS**

Additional discussion took place with regard to the number of years a developer has before beginning an approved project. It was noted that the state statute allows four years before subdivision approval is subject to new zoning and that the local requirement is two years (plus one additional year, if requested of the Planning Board). D. Smith suggested that the Town of Hampton Falls define "active and substantial development" within its ordinance. B. Mutrie questioned whether the local requirement needs to be a finite number. C. Brown stated that the Town does not want to be a position where a project is stagnant. T. Franciosa stated that there should be incentive to get the work done and that a developer would be in a position of not recouping money on his investment as he would be unable to sell lots.

**5. Proposed Sign Ordinance Amendment:** The Board referred to proposed amendments to Article IV – Signs and Special Regulations as prepared by B. Mutrie and dated August 17 (as discussed at the Ordinance and Regulations Review Committee meeting in August).

Section 3.1.5.1 was amended to change the official issuing temporary sign permits from the Town Clerk to the Building Inspector/Code Enforcement Officer.

Existing Sections 3.3.2 and 3.3.3 are proposed to be combined to one section (3.3.3) and a new Section 3.3.2 is proposed to read "Billboard signs are not permitted in any district."

Also, a definition of "Sign, Billboard" is proposed to be added to the Definitions section of the Zoning Ordinance.

Discussion took place with regard to including the new definition alphabetically under both "B" for Billboard and "S" for Sign, Billboard. It was the consensus of the Board to include the definition in these two locations.

**MOTION:** To add the definition of Billboard to the Definition section of the Zoning Ordinance along with the definition of Sign, Billboard.

**MOTION: B. MUTRIE  
SECOND: S. VOLPONE  
UNANIMOUS**

B. Mutrie will revise the document for public hearing.

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Hearing no further discussion regarding the proposed amendments to sign requirements, the following motion was made.

**MOTION:** To bring the proposed amendment to the Sign Ordinance to public hearing at the Board's September 27 meeting as discussed this meeting to include the additional definition.

**MOTION:** G. PARISH  
**SECOND:** T. FRANCIOSA  
**UNANIMOUS**

- 6. Proposed Accessory Dwelling Unit Amendment:** The Board reviewed a draft prepared by D. Smith of the proposed amendment to Section 3.1.13 Accessory Dwelling Unit. The revisions made relate to discussion held at the Ordinance and Regulations Review Committee meetings of July and August. Proposed amendments include the requirement for accessory dwelling units proposed for detached structures to come to the Planning Board for a conditional use permit; gross living area has been changed to assessed living area; no accessory dwelling unit can be condominiumized, etc.

D. Smith was asked to prepare the changes in a document using strikethrough marking and showing revised or added wording.

Section 3.1.13.4 was amended to read: "Any entrances, newly constructed, to the accessory dwelling unit shall be located on the side or rear of the dwelling unit."

**MOTION:** To bring the propose amendment to Section 3.1.13 Accessory Dwelling Unit, as amended, to public hearing at the September 27 Planning Board meeting.

**MOTION:** T. FRANCIOSA  
**SECOND:** G. PARISH  
**UNANIMOUS**

**E. COMMUNICATIONS TO BOARD MEMBERS**

- Site Construction Monitoring Reports #7 and #8 for Seafood Marketplace site plan at 115 Lafayette Road. Email from Interim Building Inspector D. Vincent regarding change in dumpster location and need for site plan amendment with the Planning Board.
- "The Source" Summer 2011 edition
- 2011 Municipal Law Lecture Series Pamphlet. L. Ruest will email information to Board members.
- 2011 Regional Transportation Needs Assessment Survey (RPC). D. Smith provided Board members with documents and requested input and participation either in writing or by responding to survey questions on line.
- Business District Zoning Lines: D. Smith distributed a copy of a portion of the Hampton Falls tax maps showing the business district and the commercial district zoning lines. He explained that this has been prepared for use in discussion of proposing a change to

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rezone the area to include parcel based zoning. It was noted that it appears there are not many parcels that would provide for an opportunity of parcel based zoning without the need for variance. The Ordinance and Regulations Review Committee will review this potential for parcel based zoning.

**F. ADJOURNMENT**

**MOTION:** To adjourn the meeting at 9:00 p.m.

**MOTION:** T. FRANCIOSA

**SECOND:** G. PARISH

**UNANIMOUS**