

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; K. Kelley, Building Inspector

C. **PUBLIC HEARING – PROPOSED AMENDMENTS**

1. Amend Section 3.1.6 of the Sign Ordinance by eliminating the word “incandescent” and replacing it with “lighting” for illuminating signs in the residential district;

C. Brown opened this public hearing and read the proposed changes to the current wording. She summarized the change to be a deletion of the word “incandescent” as the use of incandescent lighting is being phased out. Discussion was opened to members of the Board. B. Mutrie inquired as to the fact that this change relates to the residential district and questioned what happens in the business district. C. Brown stated that lighting is required to be down-shielded in the business district. She further questioned if there is any mention of the word “incandescent” in the business district regulations. S. Volpone corrected the amendment to show the word “lighting” as current text, not to be changed.

With the exception of signs permitted under 3.1.3.1 above no sign in the Agriculture-Residence District (A District) shall be artificially illuminated nor constructed with iridescent or other highly reflective materials, however, signs otherwise conforming to this Ordinance and located at or on a premises and denoting professional services and /or home occupations by the owner and/or occupant of the premises may be artificially illuminated ~~in incandescent~~ **with lighting** directed only against the sign surfaces.

Discussion was opened to members of the public. Hearing none, C. Brown closed the public hearing.

MOTION: To accept the changes as presented and forward the amendment to the Board of Selectmen for placement on the March 2012 warrant.

MOTION: S. VOLPONE
SECOND: A. TONRY
UNANIMOUS

2. Amend Section 7.4 – Construction and Maintenance Security, by increasing the maintenance contingency costs for road construction for new developments from 15% to 20% and to ensure that any security agreement between a developer and the town be subject to approval from the Planning Board and/or its counsel.

C. Brown opened the public hearing, read the public notice wording and opened discussion to members of the Board. Hearing none, she directed attention toward the changes identified in

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bold print changing the current 15% maintenance contingency to 20% with a narrative example of how the percentage is figured. She also acknowledged the addition of wording to Subdivision Regulations Section 7.4.6 to read:

Acceptable forms of security are irrevocable letters of credit, cash, passbooks and certificates of deposit. **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.**

Hearing no questions from the Board, discussion was opened to members of the public. Hearing none, C. Brown closed the public hearing.

MOTION: To approve the amendments as written and provide Certificate of Adoption to the Town Clerk for filing.

**MOTION: T. FRANCIOSA
SECOND: G. PARISH
6 IN FAVOR, 1 ABSTENTION, PASSES**

C. PRELIMINARY CONSULTATION: Home Occupation, 339 Exeter Road

Applicant Tayva Young and Real Estate Broker Pat McLaughlin were present. C. Brown inquired as to a letter of authorization from the owner of the property allowing for Tayva Young to speak on behalf of this property. P. McLaughlin explained that the property is in the ownership of a bank and that there is no document in place to allow conversations relating to the property to go past a preliminary consultation. No letter from the bank is forthcoming for this application. P. McLaughlin explained that once a purchase and sales agreement is signed, permission would be granted by the bank and be made available to the Board.

C. Brown asked that T. Young present her proposal at this time. T. Young referred the Board to a letter she provided by email and summarized that she plans to operate a business within the home offering pre- and post-natal education classes. It is planned to operate one class of no more than eight participants at one time with a maximum of two classes per day. She stated that should business improve, she would look for another business location. She added that her mother currently conducts these classes and that her mother would be moving in with her should the home be purchased.

Discussion was opened to Board members. B. Mutrie inquired as to parking. Following review and discussion, it was identified that a variance may be needed for parking given T. Young's indication of four to 32 cars per day. T. Franciosa stated that the Home Occupation ordinance also addresses additional traffic generated by the home occupation. A. Tonry inquired as to why this proposed use does not fall under site plan similar to that of the yoga classes at 70 Drinkwater Road.

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D. Smith questioned whether relief to this ordinance would be granted by the Zoning Board of Adjustment (ZBA) or Superior Court. C. Brown asked the applicant to follow up with D. Smith in this regard. D. Smith later reported that he feels the relief needed is from the ZBA

T. Young reported that if a home occupation is not feasible, she will not purchase the property as there is a problem with the septic that needs to be addressed and the in-law apartment is illegal. K. Kelley stated that a shelf plan is needed on file should the septic system fail.

C. Brown suggested that the applicant might want to follow through with relief from the ZBA with regard to the number of vehicles that can be parked at any one time and traffic generated. Real Estate Broker P. McLaughlin questioned traffic generated by the horse shows at the property across the street from this property. C. Brown stated that the use of that property is a horse farm with an approved site plan.

C. Brown noted that the applicant may also want to address hours of operation for this proposed use in a future application to the Planning Board. C. Brown acknowledged other aspects of the proposal to include two employees, night skies lighting and signage. A. Tonry requested a drawing of the driveway to include its length and width and location of parking and turnaround area as part of a future application to the Board.

D. REVIEW AND APPROVAL OF PREVIOUS MEETING MINUTES

MOTION: To approve the minutes of the September meeting as written.

MOTION: G. PARISH
SECOND: T. FRANCIOSA
UNANIMOUS

E. OTHER BUSINESS

1. Committee Reports: C. Brown acknowledged the Ordinance and Regulations Review Committee minutes of October 13. B. Mutrie distributed copies of proposed amendments addressed at Committee level, as follows:

Ordinance & Regulation Review Committee
Proposed changes to zoning ordinance for consideration Oct.25, 2011

1. To eliminate [page 59] Article IV section **3.3.6** of the Signs and Special Regulations Ordinance which states:
For the purpose of applicability of Article III- section 3.8 and 5.4 of this Ordinance, all signs located outside of a principal structure(s) shall be considered structures unless these be placed flat against such principal structure(s), an subject to all requirements in this Ordinance applicable to structures, as defined in Article X—Definitions (amended) except that the

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Planning Board may modify the requirements as respects set back(s) from front lot lines as permitted by Article III- Section 5.4.2 (amended).

C. Brown stated that the rationale for this change is that the section did not make sense and that it is not helpful to have nor harmful to eliminate.

2. To renumber Section **3.3.7** as 3.3.6 in Article IV of the Sign & Special Regulations Ordinance.

This proposed amendment is a change in numbering only.

3. To change [page 54] Section **3.1.1** of Article IV – Signs & Special Regulations Ordinance from:

~~There shall be permitted on any one lot or parcel of land under a single ownership not more than one sign, the size of which shall not exceed twelve (12) square feet in area, ~~inclusive of mounting~~; such sign to be erected or placed not closer to any side or rear lot line that permitted under Article III- Section 3.8.1 of this Ordinance no less than ten (10) feet from any front (street side) lot line.~~

To: “There shall be permitted on any one lot or parcel of land under single ownership not more than one sign, the size of which shall not exceed six (6) square feet in area; such sign to be erected or placed not closer than (10) feet from any lot line”.

C. Brown stated that this change has to do with the sizes of signs and added that sizes vary throughout the ordinance wording. The consensus of the Committee was to change the size to read six feet. This rationale relates to number five below as well. A. Tonry inquired as to the wording “under a single ownership” and suggested that if there is no good reason to keep the wording, it should be removed. Following discussion all agreed to remove the words “under single ownership.”

4. To change [pg. 54] Section **3.1.2** of **Article IV-** Signs & Special Regulations Ordinance from:

Such sign shall indicate only the name of the owner(s) and/or occupant(s) of that lot or parcel and the goods or services offered;

To: “Such sign shall indicate only the name of the owner(s) and/or occupant(s) of that lot or parcel and the goods or services offered on that lot.”

The proposed amendment for this section is to add the words “on that lot.”

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5. To change [Page 35] **Article III Section 12.4.1.9** of the Home Occupation Ordinance from:

Signage. Signs for the home occupation shall be in accordance with the Hampton Falls Sign Ordinance, Article IV of the Zoning Ordinance. Signs are further limited as follows: No sign shall exceed four (4) square feet and no lighting of the sign is permitted.

To: "Signage. Signs for the home occupations shall be in accordance with the Hampton Falls Sign Ordinance, Article IV of the Zoning Ordinance. Signs are further limited as follows: No sign shall exceed (6) six square feet and no lighting of the sign is permitted."

See number three above. The proposed change is to change the size of the sign to not exceed six feet.

C. Brown asked if there were any further comments or questions. K. Kelley asked if the "B" District wording applied to the "A" District wording. C. Brown stated no. No further comments or questions were heard.

MOTION: To bring these amendments forward to the November Planning Board meeting for public hearing as amended.

MOTION: B. MUTRIE
SECOND: M. KASPRZAK
UNANIMOUS

C. Brown inquired as to the Committee's discussion regarding a horse ordinance. S. Volpone stated that it was only discussed. C. Brown stated that this matter has been brought up on a number of occasions and asked the Committee to spend time to address it. A. Tonry stated she would bring a copy of the West Newbury, Massachusetts, ordinance to the Committee.

2. Pelton Farms Completion:

Developer Vincent Iacozzi and Pelton Farms Association President Geno Hardee were present. V. Iacozzi presented an easement for the cistern at Peltons Way as well as check to replenish the engineering review funds for this project to L. Ruest. C. Brown acknowledged receipt of the Fire Chief's letter of acceptance of the cistern for the record. V. Iacozzi stated that a certificate of monumentation and final draft of as-built plans have been forwarded to Jones and Beach Engineers. He added that the monuments are in place and street signs are installed. T. Franciosa stated that no maintenance security has been presented to the Road Committee for the public portion of the project.

C. Brown identified two remaining items to be addressed (pipe inlet/outlet cleaning and maintenance of the drainage pump station. V. Iacozzi stated that the pipe inlet/outlet matter has

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been done and that this maintenance as well as the drainage pump station maintenance is part of each owner's condo docs for this project. G. Hardee stated that he is working with V. Iacozzi to ensure both stay in working order. He added that the inspection of these matters is done once a year along with the septic system.

C. Brown stated there is a need to check on the Certificate of Monumentation. A speed limit sign and dead end street sign will be placed next week for the public road only; the Association has requested no signs for the private portion.

V. Iacozzi asked to make one item clear. The requirement for maintenance of septic and drainage systems are part of each individual homeowners condition of purchase of the unit. It is part of the condo association documents and is not a planning board or town matter. He restated that 16 members have the responsibility to maintain these systems every two years or when the systems need to be cleaned and alarms checked.

G. Hardee inquired as to the address of the complex of 5 Peltons Way and what could be done to drop the street number as it has been problematic with deliveries and mail. G. Hardee was referred to L. Ruest as this is a 911 issue.

T. Franciosa inquired as to where the project stands in the event the road doesn't go into the maintenance phase before snow arrives, specifically snow removal. G. Hardee reported that the Association pays for snow removal from the public portion. T. Franciosa stated that the public road should be the responsibility of the developer and asked V. Iacozzi if he plans to make arrangements for plowing. V. Iacozzi stated that 2010/2011 was the first year the plowing was taken over by the Association. He noted that the Developer pays Association fees as well. T. Franciosa expressed concern with school buses and other vehicles and the plowing of snow and stated he felt it is the responsibility of the developer for two years once the road goes into the maintenance phase. V. Iacozzi stated he plans to get the final work done before snow flies. T. Franciosa and C. Brown will review a maintenance agreement and how to get it generated for this project. V. Iacozzi stated he plans to petition the Selectmen for acceptance of the road and status of two year maintenance phase. C. Brown suggested he submit this request to the Town Administrator. The easement will be sent for review by counsel. T. Franciosa stated that once the work is complete that the Road Agent and Town Engineer can inspect and report to the Planning Board. He added that he would like to sit with the Town Administrator and review the maintenance agreement.

3. Zoning Amendment Calendar: Copies of the zoning amendment calendar for SB2 towns were provided in the member mailing packets as provided by the Rockingham Planning Commission.

F. COMMUNICATIONS TO BOARD MEMBERS

- Revised Public Notice – State's Ten Year Transportation Improvement Plan (2013-2022 – October 26, 2011, 7 p.m., North Hampton Town Hall.

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- Reminder – October 27, 2011, Coastal Adaptation Seal Level, Hampton Falls Library
- Right To Know Law Workshop sponsored by Hampton Falls Selectmen was attended by numerous members of the Planning Board and other Town committees and employees.

OTHER – Sign Enforcement: T. Franciosa requested to discuss the enforcement of numerous sign violations in Town in both the residential and commercial districts. K. Kelley stated that sign ordinances in Hampton Falls and other towns are a major pain whether it's a good economy or bad; that people will advertise as much as they can. He stated he treats enforcement of signs as an ongoing policing issue; when he gets a chance or opportunity. In addition to the sign violations at Luis Seafood and Allen Wayside Furniture identified by T. Franciosa, he identified sign violations at 97 Lafayette Road and 153 Lafayette Road.

In conjunction with sign violation discussion, K. Kelley reported he learned of a matter of a plan to add paving to the property of Storage Direct from a landscaper. He stated he met with the office manager, told her the paving could not be done and asked her to remove the sign banners at the same time. In response to C. Brown, K. Kelley stated that the additional paving is to fill in and extend an area of the septic reserve. He stated there would be a need to come back for site plan amendment in order to increase the paving. K. Kelley added that he didn't ask why they wanted additional pavement. A. Tonry expressed concern of outdoor storage.

T. Franciosa stated that there are other businesses that have more signs than allowed. He asked the Board if there is a direction that could be proceeded with; a consistent policy that is enforced. A. Tonry stated she felt the Board of Selectmen should authorize a penalty to cover the cost of sending the Code Enforcement Officer to a property over and over again. S. Volpone stated that the Town does have a fine. K. Kelley added that a fee schedule is being worked on by the Fire Chief and Fire Inspector for the Selectmen's consideration. He also stated that fines are part of the Building Code being \$100 per day or \$275 per day for zoning matters.

T. Franciosa asked where the Town stands on unregistered vehicles being used as a sign (Allen Wayside Furniture). K. Kelley stated this is a violation, that he will not go to the property alone and that time constraints have not allowed him to address this issue. S. Volpone stated this truck is a clear circumvention of the sign ordinance as it does not move. K. Kelley stated he has more pressing issues, more serious than sign violations.

B. Mutrie stated that the parking problems at 1 Lafayette Road (function hall) remain. Discussion took place with regard to the improper parking at the front of the building. C. Brown stated that the owner was asked last meeting to improve the situation and has been sent an email reminding him to address this problem. K. Kelley stated this is the first he's heard of the issue and asked why he was not copied on the email mentioned. K. Kelley was reminded that the property owner appeared before the Board last meeting and worked with the Board to address concerns relating to parking at that time. D. Smith stated he will be reviewing the amended site plan for this project on Thursday and that other items may arise from his review that need attention.

**PLANNING BOARD
OCTOBER 25, 2011**

**7:00 PM
TOWN HALL**

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G. ADJOURNMENT

MOTION: To adjourn the meeting at 8:48 p.m.

MOTION: A. TONRY
SECOND: S. VOLPONE
UNANIMOUS