

**Call to order:** 7:00 pm

**Present:** Charlyn Brown, Chairwoman; Todd Santora, Vice President; Beverly Mutrie, Lisa Brown-Kucharski, Greg Parish, Members; MaryAnn Kasprzak, Selectmen's Representative; Shawn Hanson, Alternate; Glenn Coppelman, Circuit Rider Planner; Susan Ayer, Secretary  
**Absent:** Abigail Tonry, Member; Mark Sikorski, Building Inspector

**MINUTES OF PRIOR MEETING: July 28, 2015**

**MOTION:** To accept the minutes of July 28, 2015 as written.

**MOTION:** B. Mutrie

**SECOND:** L. Brown-Kucharski

**UNANIMOUS**

The Chairwoman named S. Hanson as a voting member for the evening, in the absence of A. Tonry. She also pointed out several last minute items to the agenda.

**OTHER BUSINESS**

**BUDGET 2016**

C. Brown distributed copies of the Planning and Zoning budget for the Board's information and review.

In discussion, it was noted that all expenditures for 2015 are not shown, as there will be more, especially under legal fees.

The draft budget will be presented to the Selectmen, and may be changed by them or by the Chairman.

**CAPITAL IMPROVEMENT PROGRAM**

C. Brown noted that submissions for funding through the Capital Improvement Program are due, and that she will be submitting a request for funding for the Master Plan. The cost of updating the Master Plan is \$55,000 – \$60,000. She will request \$6,000 every year going forward to be held in account for this purpose, to make the "bite" of the cost less dramatic.

The CIP Committee will meet on September 16<sup>th</sup> and 23<sup>rd</sup>.

**SOCIAL MEDIA POLICY**

Copies of the Town's new Social Media Policy were distributed for Board members to read and discuss prior to the Chairwoman signing it. All members will keep a copy for their notebooks and be responsible for knowing and abiding by the policy.

There was a discussion of various issues, such as the policy of not posting pictures of children without their parents' consent, and not identifying children in pictures by name. G. Parish said the school's policy includes an option of parents signing a document asking that their children not be photographed.

As of today, the Planning Board does not use Facebook.

The Social Media site administrator for Planning is Secretary S. Ayer, should one be needed.

Any postings by any Town personnel will go through the site administrator named for that Board or committee.

Discussion also took place over the definition of social media, and what it includes. M. Kasprzak informed the Board that the Selectmen chose the wording from several other towns' policies, and that specific social media sites were not mentioned because there are many, and they change constantly.

B. Mutrie noted that the Right to Know Law applies to social media, and that e-mail and Facebook postings can be requested under the law.

G. Parish said that as social media is fluid, the policy may need to be tweaked annually. M. Kasprzak said it will be reviewed along with all Town policy. Any questions or suggestions should be sent to the Town Administrator.

### **CONDITIONAL USE PERMIT APPLICATION**

CRP G. Coppelman introduced the topic of the draft Conditional Use Permit application form before the Board for review, saying that the provision for obtaining a conditional use permit appears in the Zoning Ordinance, but there is currently no application form to fill out.

Conditional use permits apply only to detached accessory dwelling units that utilize an accessory use building such as a garage or barn.

The CRP suggested adding the 10 items that need to be met in order for a conditional use permit to be approved, that appear in the Ordinance as Article III, Section 7.2.1.1 through 7.2.1.10

**MOTION:** To approve the new Conditional Use application form as written, to include the items required under 7.2.1.1 through 7.2.1.10 in the checklist.

**MOTION:** G. Parish

**SECOND:** M. Kasprzak

**UNANIMOUS**

### **AGRITOURISM**

The Chairwoman introduced the topic of agriculture vs. agritourism, saying she and CRP G. Coppelman have discussed this in the aftermath of a court case involving a Christmas tree farm in Heniker. In that case, the property owner was prevented from holding weddings on his farm, because they did not fall under the category of agricultural use in state Statute. This decision was upheld by the state Supreme Court. The court suggested to the Legislature that it modify the Statute to include agritourism as an agricultural use, but the ensuing bill did not pass.

At this time, the senator from Hookset has formed a group to work on crafting a new bill, and G. Coppelman has been attending the meetings from the perspective of regional planning. Mr. Coppelman said the effort is being made to improve on the bill that failed, and to form a reasonable definition of agritourism that will include local oversight. As it stands now, state statutes provide a lot of protection and provision for agricultural activities, but local review is prevented.

There was a lengthy discussion of what constitutes agricultural use, and whether it should be expanded to include such things as weddings and restaurants.

At C. Brown's request, G. Coppelman looked at the Town's Ordinance to see how the issue might be approached locally. He made two recommendations:

1. Add a definition of Agriculture to the Definitions section of the Zoning Ordinance. This can be as simple as incorporating the state definition for the Town's use.
2. Under the Table of Uses, add Agritourism and define, adding a provision for local review.

Discussion centered on Applecrest Farm, its expansion into agritourism activities, how much of which is protected under current agricultural laws, and whether it may be vulnerable to the precedent of the Heniker Christmas tree farm case. C. Brown noted that Applecrest's owners have not been required to come to the Planning Board with its plans, but have done so as a courtesy, and have been sensitive to issues such as noise, traffic and lighting.

G. Coppleman will prepare a draft of proposed changes to the Ordinance, adding definitions and including agritourism under uses, and bring this to the September meeting.

### **COMMUNICATION TO BOARD MEMBERS** **WIRELESS TOWER IN STRATHAM**

The Town of Stratham held a public hearing on August 19<sup>th</sup> with regard to a proposed wireless tower. The Town of Hampton Falls, since it is within a 20 mile radius of the proposed site, received notification, which is required under RSA 12 K:7 .

### **PUBLICATIONS**

C. Brown brought to the attention of the Board two publications of interest, the Annual Report for 2014 of the Rockingham County Conservation District, and the Summer 2015 edition of Supply Lines with the Source. These will be available to borrow from the Secretary's office.

### **AVESTA HOUSING**

Avesta will be back to the ZBA on August 27 for clarification on Condition #4 to their approval at July's ZBA meeting. At issue is the wording about how long the project should take, three years total or three years building time. Financing is dictated by NHHFA, and applications are only accepted in the fall; also, occupancy of one building needs to be at 50% before application for financing for another building can be submitted. For this reason, Avesta wants to be clear that the entire process will take more than 3 years.

The traffic study for the Avesta project is in process. Methods and areas used for the study were discussed. Several members expressed concern that the traffic study should include peak traffic times at Applecrest, which will be during the upcoming apple harvest season. G. Coppleman said that Steve Pernaw, who is doing the study for Avesta, has been strongly advised that busy times at Applecrest are an issue. C. Brown will follow up on this.

B. Mutrie informed the Board that two big building projects are proposed in Hampton on Towle Farm Road, which will impact traffic coming toward Hampton Falls. She suggested that the Board should be in touch with Hampton's Planning Board.

G. Coppleman said he just got an email from Mike Garrepy, a representative for Avesta, saying that they will not be coming before the Board until October. Mr. Garrepy has requested authorization for review of their traffic study and plans by the Town's traffic and civil engineers prior to the hearing. Avesta is willing to put money in escrow to be used for this purpose.

C. Brown noted that this would not allow for input from department heads and engineers to the Board for their consideration, of things that might change something on the plan in advance. G. Coppelman said he understands why Avesta would like to have advance review in order to expedite the process, but wondered if it was appropriate to have them review it without the participation of the Town's department heads.

C. Brown said that typical practice is that only after the first hearing would reviews take place, and that then the plans are sent out to all departments along with the Town engineer. She said

she feels uneasy about deviating from normal procedure. G. Parish said that some people may be upset to find this project is back on the table, and especially if the board deviates from normal procedure to accommodate Avesta. L Brown-Kucharski agreed, saying it was unfair to the other departments.

T. Santora noted that it would not mean changes could not be made, just that some things would be done ahead. Early review might be helpful in identifying problems and starting with a cleaner plan.

Discussion continued on the pros and cons of prior review.

G. Coppelman suggested that as the traffic studies are farther along than anything else, perhaps the Board could allow prior review of those, but not the plans themselves.

It was agreed that traffic consultants from both sides could meet ahead of the first hearing in October. G. Coppelman will inform Avesta of this and find out if more money is needed for escrow to cover traffic studies. \$2500 has already been received for this purpose.

It was agreed that the Board itself needs to wait to hear the results in a public setting.

### **MASTER PLAN**

C. Brown asked if everyone had received the second flyer about the Master Plan, saying a third one would be mailed soon. There were some discrepancies in mailing; some were received earlier than others. The third mailing will include the dates in September (September 15<sup>th</sup>, 23<sup>rd</sup>, and 30<sup>th</sup>) of the planning sessions. These will be posted on the website as well.

### **HERBICIDE SPRAYING UNDER TRANSMISSION LINES – UNITIL**

Unitil has sent information about upcoming spraying of vegetation under its transmission lines.

G. Parish said he would like to be sure they have the proper permits and that the Town has copies.

C. Brown said that this reminded her that a complete list of transmission lines in town is needed. She said the Town Administrator will see that we get one from Unitil.

**MOTION:** To adjourn the meeting at 9:09 PM

**MOTION:** M. Kasprzak

**SECOND:** L. Brown-Kucharski

**UNANIMOUS**