

**PRESENT:** Todd Santora, Chairman; Charlyn Brown, Vice-Chairman; Greg Parish, Lisa Brown-Kucharski, Shawn Hanson, Abigail Tonry, Members; Andy Brubaker, Alternate; Jim Ziolkowski, Selectmen's Representative; Glenn Coppelman, Circuit Rider Planner; Mark Sikorski, Building Inspector; Susan Ayer, Secretary

**CONTINUED: CASE #16-07-03** – Application from Richard Knight for Final Public Hearing for Subdivision creating a five (5) acre lot with existing house, remaining land to be a non-buildable 10.56 acre parcel, for property located at 12 Mill Lane, Map 1, Lot 6. Waivers requested.

Mr. Knight requested a continuance until the November 15 meeting, citing delays in getting his case before the Zoning Board of Adjustment due to time constraints of his lawyer. His case will be heard by the ZBA on October 27.

**MOTION:** To grant the applicant's request to continue Case #16-07-03 until the next Planning Board meeting on November 15, 2016.

**MOTION:** A. Tonry

**SECOND:** G. Parish

**UNANIMOUS**

The Chairman asked to take review and approval of the prior meeting's minutes out of order. He distributed a letter to Board members from resident David West in which D. West outlines areas of the minutes he feels are misleading or biased. T. Santora said that as the letter came in too late for the Board members to have ample time to read and discuss it, he would like to delay approval of the minutes until the next meeting. He asked the Board to remember that minutes should reflect what was said at a meeting, but not editorialize.

There was a brief discussion of whether it was necessary to delay approval of the minutes.

**MOTION:** To delay the review and approval of the September 27 Planning Board minutes until the next meeting, November 15.

**MOTION:** A. Tonry

**SECOND:** G. Parish

**UNANIMOUS**

D. West and another resident of Evergreen Drive, Albert Chanasyk, were present and wished to speak. T. Santora said that if they had new comments or ideas on the Zoning Ordinance amendments, they would be welcome to speak, but reiterated a statement from the September meeting, saying that the hearing on the changing definition of "Outdoor Recreation Facility" was not prompted by Mr. West's complaint about his neighbor's skating rink, but that the complaint pointed out a gray area in the Ordinance that the Board felt should be clarified. He said that discussion of the complaint on Evergreen Drive will not take place at this public hearing.

**PUBLIC HEARING: AMENDMENTS TO ZONING ORDINANCE AND BUILDING CODE:**

- 1) Change "Outdoor Recreation Facility" to "Non-Private Outdoor Recreation Facility" on **Page 7 of the Zoning Ordinance (Article I, Section 4, Definitions).**

- 2) Change “Outdoor Recreation Facility” to “Non-Private Outdoor Recreation Facility” in the Table of Uses on Page 15 of the Zoning Ordinance (Article III, Section 4, Table of Uses).

The Chairman opened the Public Hearing on the proposed change to Zoning Ordinance Article I, Section 4, Definitions, changing “Outdoor Recreation Facility “ to “Non-Private Recreation Facility” (page 7), and the corresponding change to Article III, Section 4, Table of Uses, also changing “Outdoor Recreation Facility” to “Non-Private Recreation Facility” (page 15).

The Board agreed to the changes as proposed.

The Chairman opened the hearing to public comment.

Mr. West asked if the only change was to add the words “Non-Private,” and was told yes.

Mr. West said that he did not feel this was good for Hampton Falls, and asked what the impetus for change was. T. Santora said that the original definition was added in 2014, but that in looking at the Table of Uses, the Board felt it did not apply to residential property, as it would mean that anyone wanting to put up a swimming pool or basketball court in their yard would need a special exception to do so. D. West asked if the term had been intended for the business districts and not residential districts, and was told that it was.

D. West said that when town residents were polled for the Master Plan survey, a majority were against Town tennis courts or playing fields in addition to what is already in place. D. West said that he felt that the Planning Board is meant to advance the interests of the Town.

T. Santora said that “recreational facilities” was not meant to apply to residential use. D. West said that it would not be good if everyone had a recreational facility in their back yard and that landowner rights do not mean a person can do anything they want. D. West went on to say that the survey also reflected that people move here mainly because of the unspoiled rural character. He said that if people want these things they should move to a different town.

C. Brown said that what the Board is proposing is to clarify the intent of the Board in 2014. She said that at that time, the rezoning of the Route 1 corridor was done, which redefined what can be done in all zones of the Town, and which came to a public hearing and was voted in on a Warrant. C. Brown said that at this time, the word “Non-Private” is being added to clarify one item that could be troublesome, as “Recreation Facility” was only meant to apply to the business district.

D. West asked why it is not the same listing in both (all) districts, and T. Santora said that the intent was to limit profit-producing businesses, such as a facility that charges people for its use, not for such things as a basketball hoop in a residential driveway.

A. Tonry said she feels the change makes the Ordinance more, rather than less, restrictive.

After further discussion, the Chairman closed Public Comment on this portion of the hearing.

**MOTION:** To change “Outdoor Recreation Facility” to “Non-Private Outdoor Recreation Facility” on Page 7 of the Zoning Ordinance (Article I, Section 4, Definitions), and also to change “Outdoor Recreation Facility” to “Non-Private Outdoor Recreation Facility” in the Table of Uses on Page 15 of the Zoning Ordinance (Article III, Section 4, Table of Uses), and to submit these changes to the Selectmen for placement on the 2017 Town Warrant.

**MOTION:** C. Brown

**SECOND:** A. Tonry

**UNANIMOUS**

**PUBLIC HEARING: AMENDMENTS TO ZONING ORDINANCE AND BUILDING CODE (cont.):**

3. Amend Article III, Section 7.2.1 to replace “RSA 674:21” with “RSA 674:71 through RSA 674:73”.
4. Amend Article III, Section 7.2.1.2 by replacing current wording with “The living area of the accessory dwelling unit shall not exceed 750 square feet. There must be an interior door between an attached accessory dwelling unit and the primary dwelling.”

The Chairman continued the Public Hearing with items #3 and #4, to amend Article III, Section 7.2.1 to replace “RSA 674:21” with “RSA 674:71 through RSA 674:73,” and to amend Article III, Section 7.2.1.2 by replacing current wording with “The living area of the accessory dwelling unit shall not exceed 750 square feet. There must be an interior door between an attached accessory dwelling unit and the primary dwelling.”

T. Santora introduced discussion by noting that these changes are in response to NH Senate Bill 146, passed in March of 2016 and which will take effect on June 1, 2017.

The Board had no comment on these proposed changes.

The Chairman opened the discussion to the public.

Larry Smith said that he had attended a recent workshop on this topic put on by the Rockingham Planning Commission, at which ideas were shared that he felt that should be considered. In discussion, these points were identified as:

- The property should be the property owners’ principal place of residency and legal domicile.
- Two additional parking spaces per dwelling unit should be required.
- A minimum square footage might be defined.
- A limit of no more than 2 bedrooms should be considered.

There was a lengthy discussion of how to ensure the property owner is present the majority of the year, how to avoid short term rentals, and how to deal with properties in trust.

On-site parking is addressed by Section 7.2.1.4.

It was decided that with other limiting factors, such as the 750 square foot maximum size, septic capacity and Building Code restrictions, there was no need to limit the number of bedrooms. After considerable discussion, it was decided to leave the wording as proposed, and make any necessary changes in the future.

**MOTION:** To amend Article III, Section 7.2.1 to replace “RSA 674:21” with “RSA 674:71 through RSA 674:73,” and to amend Article III, Section 7.2.1.2 by replacing current wording with “The living area of the accessory dwelling unit shall not exceed 750 square feet. There must be an interior door between an attached accessory dwelling unit and the primary dwelling,” and to submit these changes to the Selectmen for placement on the 2017 Town Warrant.

**MOTION:** A. Tonry

**SECOND:** L. Brown-Kucharski

**UNANIMOUS**

**PUBLIC HEARING: AMENDMENTS TO ZONING ORDINANCE AND BUILDING CODE (cont.):**

5. Amend the Hampton Falls Building Code, Section 6-Building Standards, to replace the year “2000” with “2009” in reference to the International Code Council (ICC).

The Chairman continued the Public Hearing to consider Item #5, to amend the Hampton Falls Building Code, Section 6-Building Standards, to replace the year “2000” with “2009” in reference to the International Code Council (ICC).

No comments were heard from either the Public or the Board.

**MOTION:** To amend the Hampton Falls Building Code, Section 6-Building Standards, to replace the year “2000” with “2009” in reference to the International Code Council (ICC), and to submit to the Selectmen to be placed on the 2017 Warrant.

**MOTION:** C. Brown

**SECOND:** L. Brown-Kucharski

**UNANIMOUS**

The Chairman closed the Public Hearing

### **CAPITAL IMPROVEMENT PLAN 2017–2022 --- COMMITTEE REPORT**

T. Santora reviewed the spreadsheet of recommendations of the Capital Improvement Plan (CIP) Committee.

Areas of discussion included:

#### **Police Department**

- Recommend reducing the requested amount of \$22,000 for cruiser replacement to zero for 2017, due to the existence of a large fund balance.
- Rating of 2 for Cruiser Computer Equipment and Software. It was suggested that Comcast fees may be used for this purpose.

#### **Fire Department**

- Recommend reducing the requested amount for the Fire Vehicle Capital Reserve Fund from \$50,000 to \$25,000, rating level 3. There was a lengthy discussion of options for the Fire Department, including purchase of used vehicles, the number of trucks required, and greater dependence on mutual aid.
- The Planning Board feels the Selectmen need more answers from the Fire Chief before deciding how much funding is warranted, as even \$25,000 may be too much. This recommendation will be added to the report.

#### **Highway Department**

- This area was heavily debated on the topic of what is maintenance and what is capital improvement, the feeling being that only overlay projects or reclaiming an entire road should come before the Committee.
- The Committee recommended reducing the request to \$25,000 for 2017 and use some of the fund balance; starting in 2018 a “place marker” of \$50,000 was recommended.
- The Committee felt they should have had a list of roads to be repaired in 2017.

#### **Solid Waste**

- The CIP Committee did not receive a request for funds, but the Planning Board is recommending that \$5,000 be maintained on alternate years in case the state asks the Town to cap the dump.

#### **Library**

- The Committee approved funding with a rating of 4 (deferred), as a place holder pending analysis of needs.

- The Committee feels it may be helpful to have a member of the Town Improvement Committee or someone with building experience on the Library Trustees board.

**Planning**

- Master Plan future update costs were discussed. Because the current master plan is not yet complete, and because last year the funding was denied, it was decided to delay a year before asking for another \$6,000 toward the total cost estimate of \$60,000 needed for the next Master Plan update.

**School District**

- The Lincoln Akerman School Board submitted Plans A and B. Plan A is a bond commitment, and Plan B a list of renovations, additions and upgrades to be funded individually.
- There was a lengthy discussion of the needs and priorities of LAS. It was pointed out that the costs of Plan B would be almost equal to a bond payment. The high costs and impact on taxpayers was also discussed.

**MOTION:** That the Chairman present the CIP report to the Selectmen with the changes discussed.

**MOTION:** C. Brown

**SECOND:** G. Parish

**UNANIMOUS**

The Secretary will post public notices that Planning Board will meet jointly with the Board of Selectmen on November 2 on the topic of CIP Committee recommendations.

**COMMUNICATIONS TO BOARD MEMBERS**

C. Brown noted that she has a new issue of Supply Lines for the Source, of interest to Planning Board members. The Secretary will have this publication available for members to borrow or copy.

**OTHER BUSINESS**

**MOTION:** To approve the meeting and application deadline schedule for 2017, as prepared by the Secretary with one correction (December Agenda Deadline will be December 11.)

**MOTION:** S. Hanson

**SECOND:** A. Tonry

**UNANIMOUS**

**MOTION:** To adjourn at 10:00 PM.

**MOTION:** S. Hanson

**SECOND:** A. Tonry

**UNANIMOUS**