

<b>PLANNING BOARD</b>	<b>MAY 22, 2018 7:00 PM</b>
<b>TOWN OF HAMPTON FALLS</b>	<b>TOWN HALL</b>

**DRAFT**

**PUBLIC HEARING AND BUSINESS MEETING**

**CALL TO ORDER:** Chairman Santora called the meeting to order at 7:00 p.m.

**ROLL CALL:** T. Santora, Chairman, S. Hanson, Vice Chairman, E. Cimon, Abby Tonry, A. Brubaker, L. Brown-Kucharski, E. Beattie, Selectman’s Representative, H. Fazzino, Secretary. Chairman Santora presented the format for the evening.

Case # 18-05-01 T. Santora read the description as follows:

**Case #18-05-01:** Application from Shabiki Realty Trust for Final Public Hearing for Private Road Subdivision of an existing 9.04 acre residential lot with an existing house. The project proposes to subdivide into two buildable lots (5B & 5C) by proposing a Private Road per the Zoning Ordinance required for parcel frontage and access. The new building lot (5B) shows a house, driveway, utilities (i.e. private septic and well), grading, drainage, etc. Per Section 6.2.17, the proposal shows the prospective future street system on the remaining land for transparency and shall not be voted on or considered for approval as part of the proposal. The property is located at 25 Depot Road, Map 8, Lot 84-5. Waivers are requested.

Glenn Coppelman, Town Planner, made the following recommendations:

Property owner Shabiki Realty Trust is proposing to subdivide the subject 9.04-acre parcel into two lots, one 2 acres, and the other 6.29 acres. The applicant is utilizing Section 7.5 of the Hampton Falls Zoning Ordinance (Private Road Subdivision) to achieve the desired subdivision.

A total of 5 waivers from Subdivision Regulations have been requested (outlined below). The Board should pay close attention to these as they deliberate these requests, especially from Section 8.1.3 which requires the construction of a “turn-around roadway.” ***The applicant is proposing not to build this structure, yet is asking the Board to approve 250’ of frontage for Lot 5B\* on the unbuilt structure.***

\*The applicant intends, at some future time, to further subdivide and create Lot 5C which would also gain its frontage from the unbuilt cul-de-sac.

The following items should be discussed and addressed by the Board:

- 1) The application appears complete enough for the Board to **invoke jurisdiction**. The Board must do this before taking any final action on the plan.
- 2) Although this is not a complex proposal, the Board should decide if it wants **Town Engineer review** of the design prior to taking final action.
- 3) Wetlands and Soils have been identified, but Wetland and Soil Scientist Stamps do not appear on the submitted plan. **These Stamps should appear on the final mylar, and be a condition of any approval offered by the Board.**
- 4) Lot 5A gains its frontage from the new Private Road. Therefore, it’s **driveway access** must be from the new road (per Article III, Section 7.5.4 of Zoning

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Ordinance). The plan to be Recorded should show the Depot Road access to be abandoned, and the new access shown on the Private Road.

- 5) The Applicant is proposing that Drawing # S-1 be the **Recorded plan**. Much of the detail (i.e. roadway and driveway detail) for this Subdivision appears on Drawing # C-1. The Board may want to discuss and consider putting more of the C-1 detail onto S-1.
- 6) The following **waivers** from the Town’s Subdivision Regulations have been requested and should be acted upon individually by the Board. Detailed explanation is contained in separate letters from TEC Engineering:
  - a. 6.2.13 – Relief from requirement to show profiles and typical sections for proposed streets.
  - b. 6.2.21 – Relief from requirement to conduct a High Intensity Soil Survey (HISS) of the site.
  - c. 7.1.6.2 – Relief from requirement that at no point shall any lot be narrower than 125 feet.
  - d. 8.1.3 – Relief from requirement to construct the cul-de-sac.
  - e. 8.1.4 – Relief from requirement to provide at least a 20-foot radius of property lines at street intersections.

T. Santora recited M. Sikorski’s Building Inspector recommendations:

Glenn Coppelman, Consultant Circuit Rider Planner, provided a thorough analysis of the application. The requirements included in a private road subdivision give the applicant the ability to develop the new building lot aside from the necessity for specific frontage on a public way. It is the board’s goal to visit each of the requirements and clearly memorialize, in meeting minutes, which items **must be completed** during the process. The building department requests that a clear set of steps be published identifying the point at which a building permit can be issued for construction on the new 6.29 acre parcel with a trigger point at which the new parcel may, or would need to, be further subdivided.

T. Santora read the waivers requested as follows:

- a. 6.2.13 – Relief from requirement to show profiles and typical sections for proposed streets.
- b. 6.2.21 – Relief from requirement to conduct a High Intensity Soil Survey (HISS) of the site.
- c. 7.1.6.2 – Relief from requirement that at no point shall any lot be narrower than 125 feet.
- d. 8.1.3 – Relief from requirement to construct the cul-de-sac.
- e. 8.1.4 – Relief from requirement to provide at least a 20-foot radius of property lines at street intersections.

Shabiki Realty Trust- was represented by Trustee James Mitchell, who presented his application of a 9.04 acre lot, Map 8 Lot 84-5.

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Hannah Giovannucci, Civil Engineer at The Engineering Corp. presented the proposal and drawings S-1 and C-1. Private Road Subdivision. The private road is 50' in length. Prime wetland area in that area is not for proposed development at this time. The private road is proposed to be 14' wide with gravel shoulders.

**Lot 5B is requested, the proposal is not to develop Lot 5C at this time. The cul-de-sac at the end of the driveway is not to be built because it is not needed with adequate turnaround available at the second building. S. Hanson expressed concern about the percent of area utilized in the buffer zone that will be affected. The State has a maximum allowable amount of impervious surface or disturbed area in the shoreline buffer setback. H. Giovannucci reported that there is a 150 foot woodland buffer- she will verify.**

Board members questions were as follows:

S. Hanson discussed the size of the lot, compared to the square footage indicated on the tax card.  
A. Brubaker discussed waiver 7.1.6.2, and where the measurement is short.

Hannah Giovannucci read the following waivers:

6.2.1.3- from the checklist – waiver from providing a drawing for the private road.

6.2.2.1- The Board authorized the omission of reading the waiver- soil survey. S. Hanson confirmed that the soil survey is okay.

7.1.6.2- relief from nothing narrower than 125 feet. 50 feet on each side, and 25' not to be in the setbacks. A. Tonry questioned the lack of frontage if you remove the cul-de-sac.

8.1.3- Relief from requirement to construct a cul-de-sac. Area would require removing many trees, and their concern about building the cul-de-sac on a steep hill. Fire Chief Jay Lord stated that a fire truck would not be able to turn around, be he has backed out of longer driveways.

G. Coppelman confirmed that if the cul-de-sac was built, the drawing demonstrates that there is enough room to put a cul-de-sac if needed in the future.

T. Santora confirmed that there is only one other private road in Hampton Falls with a cul-de-sac that was not built to specifications (Tonry property).

8.1.4- 20' radius at the end of the Private Road. G. Coppelman confirmed that the purpose of the radius is for turning onto the roadway. Waiver is for one side of the driveway. A. Tonry suggests the Private Road move over to provide for the 20' radius on both sides. James Mitchell request that the Road Agent look at the driveway. There was some confusion about how one would obtain additional radius from the neighboring lot. Board members requested Mr. Mitchell consider moving the end of the driveway.

7.5.1.1, pg 21, A. Tonry confirmed that the Board would require the cul-de-sac and private road will need to be brought up to Town Standards, to build on Lot 5-C in the future. James Mitchell did not answer as to whether he would be willing to comply.

L. Brown-Kucharski requested that reference to 5C be eliminated. A. Tonry would like 5C to be shown.

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At this time T. Santora opened the hearing to public comment.

**Public Comment:**

Scott Mitchell, Dockham Shore Road, Gilford, NH, former Hampton Falls resident. He is a former Hampton Falls Planning Board member. S. Mitchell recited the history of the property, test pits.

Richard Rayment, Meadow Lane. Mr. Rayment moved to Hampton Falls for the pleasant environment. He doesn't understand why they are building a road and creating two lots.

Richard Morse, Depot Road. He is concerned about the preservation of the Hampton Falls River, and maintaining the trees along the roadway.

Maria Kenney, Meadow Lane. She is concerned about her current view of the marshes, and does not want to see houses. J. Mitchell illustrated M. Kenney's view on the drawing.

Larry Pearlo, Depot Road. He has a long history of living on the land. He is concerned about the road going over the leach field. He would like the family issues addressed since Mr. Pearlo described his 14 years of caretaking the property and plan that he and his wife would have some ownership of the property. L. Pearlo requested a continuance in the matter while they investigate the proposal and their equity in the property.

S. Mitchell addressed the family disagreement, and that he was the owner of the property and he gave 100% of the property to J. Mitchell.

T. Santora will send the written letters from the family to the Town attorney.  
The Public Comment Period was closed.

T. Santora recommended engineering review for the wetland impact, if the Board approves the plan. The Conservation Commission needs to review the plans. Their next meeting is June 12, 2018.

T. Santora discussed waivers 7.1.6.2, - agree.

L. Brown-Kucharski had concern about following the Town rules in the face of the waiver requests.

A. Brubaker is concerned about the septic design, and its interference in the setback requirement. H. Giovannucci reports that the DES setback requirements are 5' or 10.' M. Sikorski confirmed that it is a 50' setback.

A. Tonry advised that the plans could be redesigned to accommodate two lots.

**MOTION:** To invoke jurisdiction.

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**MOTION L. BROWN-KUCHARSKI  
SECOND- S. HANSON  
UNANIMOUS**

The Applicant would like to go to the Conservation Commission meeting, move forward with an Engineering Review. T. Santora discussed the cost of \$2,500 with the unused amount refunded. Preliminary Review to review the plan for **MSC, a division of TF Moran- Portsmouth**, due to the applicant's use of Jones & Beach. Plans C-1 and S-1. J. Mitchell indicated he was ready to have the Town's engineering review.

**MOTION:** To send for Engineering Review Case # 18-05-01, deposit of \$2,500 with any excess to be returned to the Applicant.

**MOTION- L. BROWN-KUCHARSKI  
SECOND- A. TONRY  
UNANIMOUS**

**MOTION:** To send to Case # 18-05-01 to all Department Heads for review.

**MOTION: L. BROWN-KUCHARSKI  
SECOND: A. TONRY  
UNANIMOUS**

**MOTION:** To continue Case # 18-05-01 to June 26, 2018 meeting at 7:00 p.m.

**MOTION: S. HANSON  
SECOND: L. BROWN-KUCHARSKI  
UNANIMOUS**

**MOTION:** To approve previous meeting minutes as written.

**MOTION: S. HANSON  
SECOND: A. BRUBAKER  
5 IN FAVOR          2 ABSTAINED          PASSED**

**COMMUNICATIONS TO BOARD MEMBERS**

S. Hanson reported that the annual review of ordinance and regulations has begun. The Committee will continue to meet monthly on the 4<sup>th</sup> Tuesday at 6:00 pm. Accessory Dwelling Units (ADU) are currently not allowed on private roads. The State may require the Town to remove the regulation. ADUs on non-conforming lots will also be addressed.

**OTHER BUSINESS**

T. Santora would not like to see the Board making recommendations to change an application that could imply approval.

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T. Santora provided an update on Avesta. Building One is full. At Avesta's open house on May 18, 2018, a resident spoke about her pleasure with living in the rural setting, proximity to the beach and Route 1. M. Sikorski reported that Building 2 will be built next, with a shell of Building 3. A letter of credit will be needed.

**MOTION:** To adjourn the meeting at 9:42 p.m.

**MOTION: A. TONRY**

**SECOND: L. BROWN-KUCHARSKI**

**UNANIMOUS**

*The next meeting of the Planning Board is scheduled for June 26, 2018 at 7:00 p.m. at the Town Hall.*