

PLANNING BOARD	NOVEMBER 27, 2018 7:00 P.M.
TOWN OF HAMPTON FALLS	TOWN HALL

DRAFT

- A. CALL TO ORDER:** The meeting was called to order at 7:00 P.M.
- B. ROLL CALL:** Chairman Todd Santora, Vice Chairman Shawn Hanson, Lisa Brown-Kucharski, Andrew Brubaker, Eric Cimon, Abby Tonry, Edward Beattie, Selectman’s Representative, Jon Rizdon, Alternate, non-voting for this meeting, Mark Sikorski, Building Inspector, Glenn Coppelman, Circuit Rider Planner, Holly Fazzino, Secretary.

C. PUBLIC HEARING

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.

A. Tonry recused herself from the case and left the Board table.

Chairman Santora read a letter from Attorney John Arnold, dated November 12, 2018, into the record. The October 12, 2018 letter from Attorney John Arnold was also read in part. The letters are part of Case # 18-05-01.

Chairman Santora read a summary of the process of Case # 18-05-01 to date.

May 2018	The Applicant proposed 2 lots (5A & 5B) with 5 waivers. A third lot and cul-de-sac was proposed on paper only, and the Applicant wanted to gain frontage from this cul-de-sac that was to be on a plan only. Lot 5C was for the future only, but also on one plan.
	The driveway for Lot 5A was to be moved.
Waivers	6.2.13
	6.2.21
	7.1.6.2
	8.1.3
	8.1.4
June 2018	The Board invoked jurisdiction and sent the plans to engineering review and department head review but fees were not paid until September 10, 2018
	Applicant met with the Conservation Commission
	Request for a continuance was granted
July 2018	At some point before the July meeting, a representative for the Applicant contacted Abby Tonry about this application. For this reason, Abby Tonry recused herself from the Case.

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	Plan changed to three lots
	All lots gained frontage from the private road
	No cul-de-sac, argument introduced that it is not a public street
	Application contains 3 waivers 8.1.3- cul-de-sac 6.2.21- waiver of High Intensity Soils 6.2.13- documentation/ profiles
	Plans submitted the night before the meeting
	Request for a continuance was granted
Take Aways from July	Department Head Review needed to be updated Adjust frontage on Depot Street lot New test pits were to be scheduled and marked on the plan Well location was to be moved in relation to test pits RCC was to review septic designs Maintenance Agreement needed to be added to plans Renoticing was agreed to be completed by the Applicant since the new plan was 3 lots Applicant to deposit \$2,500 for Engineering Review
August 2018	Request for a continuance was granted Applicant notified that new plans were due by 9/10/18
September 2018	Engineering Review was read 3 lots, no cul-de-sac
	Truck turn template was requested
	2 waivers 6.2.31 & 6.2.21 requested and the question of a cul-de-sac remained. The Applicant was informed that it was the Town Engineer and Planning Board Attorney that confirmed that 8.1.3 was applicable. TEC was authorized to speak with Jones & Beach to discuss Engineering Review.
	Request for a continuance was granted, with a filing deadline of 10/15/18.
October 2018	Request for a continuance was granted to 11/27/18. A final set of plans, including Town Engineering Review due by 11/12/18 was part of the Motion.
	Final plans were not received, response from Town Engineering Review not received. Instead it was communicated to our Planning Board Attorney and Town Engineer that the hope was to walk through both plans and discuss any issues and come back with a finalized plan of a version that the Board prefers.
Recommen- dation	Based on advice from our Planning Board Attorney and Glenn Coppelman, Circuit Rider Planner, a Motion for a continuance was not met so we cannot discuss either plan without a response to Engineering Review and a final plan. The Board invoked jurisdiction so anything the Applicant discussed is binding. The Board cannot give advice or guidance on either plan. They must pick a plan and send it back for Engineering Review and the Board will make a decision.
	The Applicant's choices are to make a decision tonight, withdraw the application, or ask for a continuance but the continuance will read:

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	To accept a request for a continuance to December 18, 2018 or January 22, 2019. A final set of plans along with Engineering Review is required by the agenda close date of January 10, 2019. If these items are not received by the agenda close date, the Board will reserve the right to consider your application as final and render a decision during said meeting.
	Section 8.1.3, access design and standards apply, especially considering the health and welfare of Town residents.

Recommendations were received from Glenn Coppelman and Town Attorney Mark Beliveau.

The Board was advised not to act on a discussion of the two plans. Counsel has advised the Board that 8.1.3, access design standards applies, and will require a waiver.

Attorney John Arnold, representing the Applicant, stated that he appreciates the Board's patience over the last several months. He confirmed that the Board's next action is a final review including the fire truck turn radius and engineering review.

G. Coppelman confirmed that one set of plans will be provided, waivers submitted in writing.

Attorney John Arnold request a continuance to the January 22, 2019 meeting, with a final review by the Town Engineers, Review of fire truck turn radius.

MOTION: To request a continuance to January 22, 2019, with a final set of plans by January 10, 2019, Town Engineering Review, Fire Truck Turn Radius, Request for waivers by the agenda close date of January 10, 2019. If these items are not received by the agenda close date, the Board will reserve the right to consider the application as final and render a decision during said meeting.

MOTION: S. HANSON
SECOND: A. BRUBAKER
UNANIMOUS

The public comment period was closed for this meeting.

PROPOSED AMENDMENTS TO THE HAMPTON FALLS ZONING ORDINANCE AND SITE PLAN REVIEW REGULATIONS

Strikethroughs are text to be removed, and bold underline is new wording to be added (for items 1-4 below).

- 1) Amend Article III, Section 7.7- Yard Requirements (Supplementary Regulations for "A District" as follows:

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7.7.1 In Agricultural-Residence District (“A District”), each structure shall be setback at least fifty (50) feet from all lot lines or such distance as shall conform to the front lot line of existing buildings on adjacent property. Lots of record under two acres (87,120 square feet) ~~one (1) acre (43,560 square feet) or less~~ are exempt from this requirement and each structure thereon shall be set back at least twenty-five (25) feet from all lot lines.

Comments from the Board regarding the Ordinance was opened. There were no comments.

The Board opened the Public Hearing to the public.

B. Mutrie, Brown Road, confirmed the intent of the Ordinance. S. Hanson confirmed the concern about soils on small lots.

MOTION: To approve the amended wording of Article III, Section 7.7.1 and to move this amendment to the Warrant.

MOTION: L. BROWN-KUCHARSKI

SECOND: S. HANSON

UNANIMOUS

The Public Hearing for this matter was closed.

2) Amend Article III, Section 7.5- Private Road Subdivision in “A District” as follows:

7.5.9 All uses permitted in the “A District” shall be permitted on any lot on a private road, except for family day care home, private schools, churches, golf courses, and residential care facilities. ~~nursing homes, hospitals. and accessory housing units.~~

Comments from the Board regarding the Ordinance was opened. There were no comments.

The Board opened the Public Hearing to the public.

B. Mutrie, Brown Road, asked for clarification of the definition of a golf course. Golf courses, including #4 recreational uses, were referenced from the Zoning Ordinance.

MOTION: To approve the amended wording of Article III, Section 7.5.9 and to move this amendment to the Warrant.

MOTION: L. BROWN-KUCHARSKI

SECOND: E. CIMON

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- 3) Amend Article III, Section 4- Table of Uses for Hampton Falls Zoning Districts as follows:

8. Mixed use development: **Change “N” to “P”** so that this type of development is allowed in Business District North (BDN).

Comments from the Board: no comments were made.

The Board opened the Public Hearing to the public.

B. Mutrie, Brown Road, concerned about commercial uses. She is concerned about closing out industrial uses in favor of residential uses.

MOTION: To approve the amended wording for Article III, Section 4 of the Table of Uses and to move this amendment to the Warrant.

MOTION: S. HANSON

SECOND: L. BROWN-KUCHARSKI

UNANIMOUS

The Public Hearing for this matter was closed.

- 4) Amend **Site Plan Review Regulations** Article IX – Supplementary Regulations by adding a new section 9.6 to ***encourage underground utilities whenever possible.***

Comments from the Board: no comments were made.

The Board opened the Public Hearing to the public. No comments were made.

MOTION: To approve the addition of Site Plan Regulations Article IX- Supplementary Regulations by adding a new section **9.6 to encourage underground utilities whenever possible.**

MOTION: E. B. BEATTIE

SECOND: S. HANSON

UNANIMOUS

The Board signed the Certificate of Adoption for Site Plan Review Regulations.

REVIEW AND ADOPT THE FOLLOWING HAMPTON FALLS MASTER PLAN

CHAPTER: Transportation: An infrastructure plan that addresses transportation issues.

The Board made the following comments:

A. Tonry- identified an update to page 13- Blake’s Lane should be Blakes Lane.

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The Board opened the Public Hearing to public comment.

B. Mutrie, Brown Road, commented about the traffic on Route 1.

MOTION: To adopt the Transportation Chapter as amended.

MOTION: S. HANSON

SECOND: L. BROWN-KUCHARSKI

UNANIMOUS

The Public Hearing for this matter was closed.

D. MASTER PLAN: PLANNING BOARD CHAPTERS: FIRST REVIEW

Community Facilities & Services

The Board made the following comments:

Many typos were identified by several Board members. T. Santora will bring the edits to the Master Plan Committee.

MOTION: To move Community Facilities to a public hearing for review and adoption as amended, on December 18, 2018.

MOTION: S. HANSON

SECOND: A. BRUBAKER

UNANIMOUS

E. REVIEW AND APPROVAL OF PREVIOUS MEETING MINUTES

October 23, 2018

The Board directed the Secretary to Legal Notice the first four chapters for adoption (Community Vision, Community Profile, Public Utilities, Housing, plus Community Services).

MOTION: To move the five chapters of Community Vision, Community Profile, Public Utilities, Housing, and Community Facilities to a public hearing for adoption on December 18, 2018.

MOTION: E. B. BEATTIE

SECOND: S. HANSON

UNANIMOUS

The following edits were made to the October 23, 2018 meeting minutes:

Page 1:

A. ROLL CALL: Todd Santora, Chairman, Shawn Hanson, Vice Chairman, Lisa Brown-Kucharski, Andrew Brubaker, Abby Tonry, Ed Beattie, Selectman's

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Representative, Jon Rizdon, Alternate, Mark Sikorski, Building Inspector, Glenn Coppelman, Circuit Rider Planner, Holly Fazzino, Secretary. Eric Cimon was absent. J. Ridzon, Alternate was designated as a *Voting* Member for the evening.

Case #18-05-01 Amended public notice for application of 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 three buildable lots (5A, 5B & 5C) by proposing a Private Road per the Zoning Ordinance Section 7.5 required for parcel frontage and access. The new building lots (5B & 5C) each show a potential conceptual layout for a future house, driveway, utilities (i.e. private septic and well), grading, drainage, etc. The property is located at 25 Depot Road, Map 8, Lot 84-5. Waivers are requested.

A. Tonry stepped down from the Board for Case #18-05-01.

Page 2:

THE CHAIRMAN OPENED DISCUSSION TO ~~ABUTTERS~~ THE PUBLIC

S. Hanson spoke to the Wetland HISS Mapping letter that is on file. T. Santora discussed the matter with Planning Board Attorney Mark Beliveau and Jon Ring of Jones & Beach Engineering about 8.1.3 and they all agree that a cul-de-sac is ~~needed~~ *recommended or a waiver is required*.

MOTION: S. HANSON

SECOND: L. BROWN-KUCHARSKI

ONE ABSTENTION, FIVE IN FAVOR, ONE OPPOSED

PASSES

A. Tonry returned to the Board table.

Bev Mutrie, Brown Road, asked about the reason for a cul-de-sac. A. Tonry clarified that the land has been dedicated to a cul-de-sac, ~~and there was an existing cul-de-sac, two other subdivisions in town did not build cul-de-sacs because their plan was different.~~ (Zoning Ordinance 7.5.10.) A cul-de-sac would meet the standards of a Town road.

MOTION: To approve the minutes of October 23, 2018, as amended.

MOTION: S. HANSON

SECOND: L. BROWN-KUCHARSKI

SIX IN FAVOR, ONE ABSTENTION PASSES

F. COMMUNICATIONS TO BOARD MEMBERS

Floodplain Administrator 101: Training Workshop

The Board received the Floodplain Workshop information. G. Coppelman will attend on December 6, 2018 9-3 p.m. at the Hugh Gregg Coastal Conservation Center.

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G. OTHER BUSINESS

Approval of 2019 Application Deadlines Schedule

The Board approved the 2019 Planning Board schedule as presented.

T. Santora reported that M. Beliveau provided insight in that no application sets a precedent. The Board requested minutes from Brimmer Lane (Mary Weaver) Map 7 Lot 63-3, and Alice Tonry (Exeter Road) Map 6 Lot 36, Lot 36-3, Lot 36-2 and Lot 36-4.

A. Brubaker discussed a request for a letter of support for the Rockingham Planning Commission for a grant application to assist municipalities in better protecting drinking water supplies. The Board agreed to provide a letter of support. A. Brubaker will compose the letter of support.

H. ADJOURN

MOTION: To adjourn the meeting at 8:46 pm.

MOTION: A. TONRY

SECOND: L. BROWN-KUCHARSKI

UNANIMOUS

*The next meeting will be Tuesday, December 18, 2018, 7:00 p.m.
at the Public Safety Building.*