

<b>PLANNING BOARD</b>	<b>January 22, 2019 7:00 P.M.</b>
<b>TOWN OF HAMPTON FALLS</b>	<b>TOWN HALL</b>

**DRAFT**

**A. CALL TO ORDER:** The meeting was called to order at 7:00 p.m. by Chairman Todd Santora.

**B. ROLL CALL:** Members present included Todd Santora, Chairman, Shawn Hanson, Vice Chairman, Lisa Brown-Kucharski, Andrew Brubaker, Eric Cimon, Abigail Tonry, Members, Edward Beattie, Selectman’s Representative, Jon Rizdon, Alternate, Glenn Coppelman, Circuit Rider Planner, Mark Sikorski, Building Inspector, Holly Fazzino, Secretary.

**C. PUBLIC HEARING**

**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.

Abigail Tonry stepped down from the Board. Alternate Member Jon Ridzon was not designated as a voting member for the case due to his lack of participation in all sessions concerning this matter.

James and Alyssa Mitchell introduced their team, including Attorney John Arnold, Engineer Chris Raymond.

Attorney John Arnold presented the updated plan. Lot size and dimensions remain as in prior plans. There were three waiver requests:

- 6.2.21 High Intensity Soil Survey Map.
- 6.2.13 Road profiles and cross sections.
- 7.1.6.2 Road width requirement. The plan shows a narrower than 125 feet in two areas. It is not possible to create the lots meeting the 125’ lot width requirement. The lot needs to be orderly, appropriate frontage, reasonable use, and buildable area. Shorter areas are two short sections around the turn around.

T. Santora stated that Waiver 6.2.20 that the entire well radius must be on its own lot is needed, to address the well radius easement. It needs to be contained in its own lot.

S. Hanson confirmed the plan for one pole across Depot Road, then underground cable and utilities.

The Board then reviewed the report by Jon Ring, Town Engineer. T. Santora offered members of the public a copy to follow along, reviewed the comments.

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- #4- Statement of Agreement will be a condition of approval.
- #8- Revised layout, review Lot 5C.
- #9- NHDES Subdivision Approval is required prior to the signing of the plan.
- #11 Move the road with dimension of 25' to Sheet C2- has been completed.
- #12- Test Pit Log data must list dates performed- has been completed.
- #15 Site review during construction is needed, estimated at \$1,000.
- #16- Labeling of "After First Driveway" has been updated.
- #20- Sediment and Erosion Control Plan should be shown clearly on Site Plan.-This is still needed.

Glenn Coppelman, Circuit Rider Planner Review-

- TEC will add the frontage markers.
- 3 waivers previously discussed.
- Lot 5A, goes over the 50 foot setback. Mr. Mitchell said he would remove the portion of the structure encroaching. This would be a condition of approval.

Mark Sikorski, Building Inspector is in agreement with what has been discussed.

Andy Brubaker- concerned about houses that are too close to each other- lot width requirement, zoning was planned to avoid that circumstance. He is also concerned about the well protection radius. Attorney John Arnold spoke to these easements. T. Santora read from 7.1.6 Subdivision Regulations. The areas less than the 125 sq ft are around the cul-de-sac. The NH DES Permit will be required for shoreline protection.

Mr. Mitchell discussed the two pockets that move the water away from the well. A waiver will be required. Waiver of 6.2.20.

The Board then opened the discussion for public comment.

Marie Kenney, Meadow Lane. Discussed the longstanding plan to develop houses away from the Marshes, with each house having an unobstructed view.

Ms. Kenney and Richard Rayment's view will be completely changed. Ms. Kenney said that realtors tell her that she will lose \$50,000 - \$100,000 in value. The land closest to the marsh was a former Indian burial ground.

Lyn Stan, Meadow Lane, wants to preserving the rural charm of the Town.

Abigail Tonry, Exeter Road, stated that just because the acreage is sufficient, not all lots are suitable for subdivision. This lot comfortably supports one house. That house could be enlarged as it appears to be the applicant's stated need for change.

The applicant appeared before this Board in May with a request for one additional lot. At that time the Board considered the application of the zoning rules as they apply to one marginal lot. Since then the applicant has spent a lot of their money and the Board's

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time trying to increase their disregard for the zoning regulations the town residents have voted into existence.

If this subdivision were to conform to town zoning regulations, the roadway would have to go to the middle of the proposed two lots leaving no suitable land left for the houses let alone the septic, the driveway, the well, as well as any outbuildings, porches, decks or swimming pools.

As the current plan is designed, the entire frontage of lot 5C is a proposed drainage easement in the shape of a spite strip between the proposed roadway and the neighbor. The Board and the town residents voted many years ago that the minimum lot width should be 125 feet. This was exactly to avoid situations like this where a part of a lot was configured totally unusable for any purpose other than bypassing town requirements.

There is no doubt that this application is purely financial which is one of the requirements for denying waivers and variances. If the board denies this application for the above reasons the applicant may appeal to the ZBA for readdress.

Additional reasons these two additional lots are marginal:

1. 3 acre lots with less than 25 percent inside the town setbacks, Lot 5B has none not in the 250 state shoreland protection area, Lot 5C entire housing unit shore land protection area.
2. The entire Lot 5B septic areas in shoreland protection area. While permitted, adds to unsuitability of the lots.
3. Lot 5A well radius is outside of the lot lines.
4. Although both lots have proposed house footprints shown on the plan on lot 5C there is less than 25 feet on three sides and none on one side for any changes in shape or additional structures. 5B has about 25 feet on two sides, back door has zero from prime wetlands.
5. Town has previously not allowed centers of turning circles to be anything but clear cut and drivable surface.
6. When the application was accepted by the Board as complete it was not sent to the Rockingham County Conservation District as all other applications should be thus they have not had the opportunity to weigh in on the test pits and other suitability of the new lots in relation to the marsh.

John Arnold, Esquire, discussed the Mitchells' intent to preserve the nature of the lots.

**THE PUBLIC COMMENT PERIOD WAS CLOSED.**

After a 5 minute recess, the meeting was reconvened by Chairman Todd Santora at 8:20 p.m.

Waiver Requests:

**Waiver 6.2.21- Relief from the requirement to conduct a High Intensity Soil Survey.**

**MOTION:** To grant a waiver from Section 6.2.21. As this site is mapped by USDA Natural Resources Conservation Service (NRCS) and nine test pits in the site which are consistent with the USDA NRCS information.

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

**Waiver 6.2.13- Relief from requirement to show profiles and typical sections for proposed streets.**

**MOTION:** To grant a waiver from 6.2.13 of the subdivision regulations. As the proposed private road serves as a shared driveway with simple design requirements per the private road subdivision Zoning Ordinance.

**MOTION: S. HANSON**  
**SECOND: E. CIMON**  
**UNANIMOUS**

**Waiver 7.1.6.2 At no point shall any lot be narrower than 125 feet.**

**MOTION:** To grant the waiver from Section 7.1.6.2 of the Subdivision Regulations that requires a minimum of 125 ft. lot width. As the narrow portion of Lot 5B would not cause congestion of population and conditions unfavorable to health, safety or convenience.

**MOTION: S. HANSON**  
**SECOND: E. CIMON**  
**VOTE: THREE IN FAVOR/ THREE OPPOSED** **DOES NOT PASS**

**Waiver 6.2.20 The entire well radius must be on its own lot.**

**MOTION:** To grant a waiver from Section 6.2.20 of the Subdivision Regulations.

**MOTION: S. HANSON**  
**SECOND: E. CIMON**  
**VOTE: THREE IN FAVOR/ THREE OPPOSED** **DOES NOT PASS**

T. Santora states that a 30-day continuation is necessary. Alternate Member J. Ridzon will need to speak with Glenn Coppelman, Circuit Rider Planner, in order to become more familiar with the case to be designated as a voting member for the next meeting.

T. Santora directed the applicant to update any plans to incorporate feedback during this evening's meeting, due by February 14, 2018.

Attorney J. Arnold requested a continuance until February 26, 2018.

**MOTION:** To accept the Applicant's request for a continuance.

**MOTION: S. HANSON**

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**SECOND: E. CIMON**  
**UNANIMOUS**

The public hearing was then closed.

**D. CERTIFICATE OF ADOPTION FOR AUGUST 26, 2014 VOTES**

The following Site Plan Review Regulations were enacted in 2014 without the execution of a Certificate.

Addition of Site Plan Review Regulations Appendix III and IV  
Addition of Site Plan Review Regulations Appendix V and VI

The current Planning Board members in attendance on August 26, 2014 signed the Certificates before the Board. This was a clerical error that the Certificate was not executed at the time.

**E. REVIEW AND APPROVAL OF PREVIOUS MEETING MINUTES**

December 18, 2018

Brubaker corrected the December 18, 2018 minutes on page 1, Section D. to add the words "Goals" to the title of the Master Plan Chapter. "Community Vision *and Goals*"

**MOTION:** To approve the meeting minutes of December 18, 2018 as amended.

**MOTION: S. HANSON**

**SECOND: A. BRUBAKER**

**L. BROWN-KUCHARSKI abstained.**

**SIX IN FAVOR, ONE ABSTENTION PASSED**

**F. COMMUNICATIONS TO BOARD MEMBERS-** There were none.

**G. OTHER BUSINESS-** There was none.

**H. ADJOURN**

**MOTION:** To adjourn the meeting at 8:49 p.m.

**MOTION: S. HANSON**

**SECOND: E. CIMON**

**UNANIMOUS**