

|                              |                                    |
|------------------------------|------------------------------------|
| <b>PLANNING BOARD</b>        | <b>FEBRUARY 26, 2019 7:00 P.M.</b> |
| <b>TOWN OF HAMPTON FALLS</b> | <b>TOWN HALL</b>                   |

**DRAFT**

Applications not called & in progress by 10:00 p.m. will be continued to the Board’s next meeting.

- A. CALL TO ORDER:** The meeting was called to order at 7:02 p.m.
- B. ROLL CALL:** Members present included Todd Santora, Chairman, Shawn Hanson, Vice Chairman, Lisa Brown-Kucharski, Andy Brubaker, Eric Cimon, Abigail Tonry, Members; Edward B. Beattie, Selectman’s Representative, Jon Ridzon, 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.

T. Santora called the public hearing to order, and read the description of Case #18-05-01 as written above.

A. Tonry recused herself from the Case and left the table, J. Ridzon, Alternate, was designated as a voting Member for this matter. Two waivers were approved last month, two did not pass last month and will be reconsidered tonight.

L. Brown-Kucharski asked why the waivers that were not passed are being heard again. G. Coppelman stated that those failed motions get heard again, with an odd number of voting members.

T. Santora discussed the engineering review from Jones & Beach of February 19, 2019. T. Santora read the recommendations from the letter, which is located in the Case file.

Regarding the well radius on its own lot, M. Sikorski reports that the State DES confirmed that well locations shown on approved DES site plans can be non-conforming. Locations are non-conforming whenever the protective well radius crosses the property line. Approved septic system plans should list a condition required in order to comply with Water Well Board rules, which include special methods of well construction when a protective well radius crosses a property boundary, or when a

reduced setback to the septic system is approved. Town Regulations have standing, if they are more stringent.

T. Santora discussed the process of a Well Reduction Radius/ use of a Setback Reduction Form. It identifies the well radius as spilling off the property.

**APPLICANT COMMENT:**

John Arnold, Attorney representing the Applicant, described that the Applicant made some revisions to the well radius easement. They also discussed with DES the process they have taken to date, and Mr. Arnold reports that the DES has no concerns. The road is in a drainage easement area.

**PUBLIC COMMENT:**

Lyn Stan, Meadow Lane, is it appropriate to subdivide a lot in this manner and if it will set a precedent. T. Santora confirmed that no one application can set a precedent.

Marie Kenney, Meadow Lane, stated that she wanted to know how Abby Tonry’s recusal came about. T. Santora confirmed that one of the applicants contacted A. Tonry and discussed the application outside of a meeting.

A Tonry commented how she was contacted by one of the applicants and despite telling the applicant several times that she could not discuss the application but they persisted with their questions.

Jim Mitchell, Depot Road, stated that he did contact A. Tonry privately and that she did offer an idea, as a private citizen, about how to redesign the lot.

T Santora reiterated that is why A. Tonry was asked by the board to recuse herself.

The public comment was then closed.

**BOARD COMMENTS ON THE APPLICATION:**

|                    |   |
|--------------------|---|
| A. Brubaker        | Master Plan Chapter Vision & Goals, and waiver review pages (blue) will not have the intent of nullifying the intent and purpose. |
|                    | Master Plan Goal #10- scenic views are not to be destroyed. The idea is to promote larger lots and increased housing spaces.      |
|                    | He is opposed to the 125 ft. waiver.  |
| J. Rizdon          | Asked if the 125 ft lot width is not needed, do you still need a waiver.  |
|                    | G. Coppelman confirmed that although it is not needed, it is a way to get to the other two lots.                                  |
| L. Brown-Kucharski | Supports A. Brubaker’s comments, and the guidance of the Master Plan.   |

**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 and 5C would not cause congestion of population and conditions unfavorable to health, safety or convenience.

**MOTION: S. HANSON**

**SECOND: E. CIMON**

**VOTE: THREE IN FAVOR, FOUR OPPOSED                      DOES NOT PASS**

**MOTION:** To grant a Waiver from Section 6.2.20 (75' well radius shall be located entirely within the property boundaries) of the Subdivision Regulations.

**MOTION: S. HANSON**

**SECOND: E. CIMON**

**FOUR IN FAVOR, THREE OPPOSED                      PASSES**

T. Santora explained the reasoning for the change of his vote for waiver request 7.1.6.2. He explained that since this waiver request was last voted on in January, over the last 30 days he drove by the neighborhood numerous times to understand the impact 2 houses would have on the abutters, and eventually he could not get past the wording identified in 7.1.6.1, which details how subdivision design should “preserve the character of the land.” Todd’s opinion was that that a waiver request for 7.1.6.2 would jeopardize preserving the character of the land, resulting in a change of vote.

T. Santora offered options for the Applicant to Withdraw Without Prejudice, Request a decision from the Board.

A five minute recess was given to the Applicant.

Reconvened.

J. Arnold requested to withdraw the application.

**MOTION:** To accept the Applicant’s attorney’s request to withdrawal the application.

**MOTION: S. HANSON**

**SECOND: E. B. BEATTIE**

**UNANIMOUS**

A. Tonry returned to the Planning Board table.

**The Public Hearing on Master Plan Chapters was opened.**

**EXISTING AND FUTURE LAND USE.** This Master Plan chapter provides information on Hampton Falls’ existing land use and analyzes how and why Hampton

Falls looks as it does today. It also considers the challenges facing the Town for future land use challenges.

and

**NATURAL RESOURCES.** This Master Plan chapter provides a description of the varied natural resources in the town of Hampton Falls. It also provides a description of the many protections and challenges to ensure these resources are maintained.

These chapters were not ready for discussion.

**MOTION:** To continue the public hearing on the Existing and Future Land Use and Natural Resources chapters to April 23, 2019 at 7:00 p.m.

**MOTION: T. SANTORA**  
**SECOND: L. BROWN-KUCHARSKI**  
**UNANIMOUS**

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

January 22, 2019

S. Hanson stated there is one addition to page four, Motion for waiver 5B AND 5C.

**MOTION:** To approve the meeting minutes of January 22, 2019 as amended.

**MOTION: T. SANTORA**  
**SECOND: A. BRUBAKER**  
**SIX IN FAVOR, ONE ABSTAINED**                      **PASSES**

**E. COMMUNICATIONS TO BOARD MEMBERS**

- 25<sup>th</sup> Annual Spring Planning and Zoning Conference, Office of Strategic Initiatives, members are strongly encouraged to attend. S. Hanson, J. Rizdon, A. Brubaker, L. Brown-Kucharski are interested in attending.
- Municipal Board Empowerment Series Workshop #9, Social Science Basics for Municipals & Coastal Managers

**F. OTHER BUSINESS**

The April meeting is scheduled for the 4<sup>th</sup> week of the month, which is also school vacation week. T. Santora requests moving the meeting to the 5<sup>th</sup> week. The group requests keeping the meeting on the 4<sup>th</sup> Tuesday of the month, knowing that T. Santora will not be able to attend, and the current Vice Chair will direct the meeting.

**G. ADJOURN**

**MOTION:** To adjourn the meeting at 8:15 p.m.

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

**UNANIMOUS**

**NEXT MEETING Tuesday, March 26, 2019, 7:00 p.m.**