

**PUBLIC HEARING AND BUSINESS MEETING
DRAFT**

The meeting was called to order at 7:02. Present were Chairman, Todd Santora, Vice Chairman, Andy Brubaker, Selectman Representative Ed Beattie, Members Abby Tonry, Lisa Brown Kucharski, Shawn Hanson, Eric Cimon and Alternate Jon Rizdon, Building Inspector Mark Sikorski and Circuit Planner Glenn Copleman. Abby Tonry was also acting secretary.

Case #19-05-01 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 the single lot into two lots (5A and 5B) 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 & well), grading, drainage, etc.) at property located at 25 Depot Road, Map 8, Lot 84-5. Waivers requested. (cross reference Case 18-05-01)

Chairman Santora outlined items to be reviewed: RPC review letter dated May 28, 2019; Jones & Beach review dated February 19, 2019; 3 waivers requested; legal documents currently with attorney Belliveau; and private road agreement page 2, item 2 re: town having to upgrade road.

John Arnold from TEC Engineering asked first if Board Member Abby Tonry was acting as secretary alone or as a voting board member. He asked that she recuse herself from this application. When polled the board felt it was not a conflict since this is a new application, vote was 4-2 in favor of her not recusing. She chose to remain on the board as a voting member.

MOTION: To invoke jurisdiction as the plan is complete.

MOTION: S. HANSON

SECOND: A. TONRY

UNANIMOUS

John Arnold explained the waiver requests all three which were discussed on previous application, 2 being approved.

MOTION: To approve the applicants request for a waiver from Section 6.2.13, Road Profile since it was discussed and approved on the previous application.

MOTION: S. HANSON

SECOND: L. BROWN KUCHARSKI

UNANIMOUS

MOTION: To approve the applicants request for a waiver from Section 6.2.21, HISS Mapping since it was discussed and approved on the previous application.

MOTION: S. HANSON

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**SECOND: E. BEATTIE
UNANIMOUS**

MOTION: To approve the applicants request for a waiver from Section 6.2.20, Wellhead radius since the overflow radii is in the dedicated roadway owned by both lot owners. A. Brubaker was assured that the easement language was being reviewed by the Board's attorney.

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

Chairman Santora then asked if the Board felt the plan needed review: from Town Engineer for cost of \$500; RCCD for cost of \$95 per hour with a \$500 retainer, stating that RCRD had already reviewed the septic permit for the last application.

He stated that the last engineering review of February 19 had been gone through for plan changes. S. Hanson was concerned about #12, drainage. John Arnold showed where he had added the verbiage to the plan. M. Sikorski stated that the Town Engineer will monitor the road construction so he felt that another review of the plans was not necessary. E. Cimon said 3 reviews were enough. G. Coppleman said it was a new plan with previous reviews. A. Tonry was in favor of new review since it is a new plan.

MOTION: To not send the new plans for review of the Town Engineer.

**MOTION: T. SANTORA
SECOND: S. HANSON
5-2 PASSES**

L. Brown Kucharski asked if RCCD had not previously reviewed this application. G. Coppleman stated that they reviewed the septic plans and test pits only. Discussion regarding sending the plans for review by RCCD centered on RCCD's role as peer review of the wetland scientists. Discussion also included the small size and scope of this project. T. Santora stated that this is his first subdivision application in 7 years on board. A. Tonry reminded the Board that previously all applications were reviewed by RCCD, this one fell through the cracks.

MOTION: To not send the new plans for review of the RCCD.

**MOTION: S. HANSON
SECOND: L. BROWN KUCHARSKI
5-2 PASSES**

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Discussion continued about the Private Road agreement page 2, #2; Town upgrading road. John Arnold stated that he had used the Tonry Private Road Subdivision document as a template for this one. A. Tonry explained the verbiage from the Tonry Private Road was there since there was sufficient land to further subdivide the land which might make the road someday upgraded to a town road, which is not applicable with this application. T. Santora was concerned with the town getting involved in a conflict between owners. S. Hanson stated that it was for emergency access only. It was decided to let the Town attorney make the decision about including or striking that verbiage from the document.

A, Brubaker wondered if this application was subject to State DES tidal river review. It was decided that that would be covered in the conditions of approval.

The matter was open for public comment, hearing none the public session was closed.

MOTION: To approve the subdivision of map 8, lot 84-5, into a total of 2 lots in accordance with the plan by TEC, Inc., dated May 6, 2019, subject to the following conditions:

1. That any and all fees due the Town of Hampton Falls and its consultants be paid before the mylar is signed and recorded.
2. That draft deeds for the newly created lots be submitted for the Planning Board file and that the Planning Board counsel, prior to the mylar being signed, approve the final language of all the easements and advise the cost of review and recording. All easements are to be recorded in the applicable deeds.
3. That monumentation and wetland district placard installation be bonded, set and certified with a Certificate of Monumentation and Certificate of Wetland District Placard Installation Form submitted for the Planning Board file.
4. That no lots are to be advertised or sold before the mylar is signed and recorded. When and if this approved project changes ownership, the new owner is required to appear before the Planning Board to review the approved plan so as to have a complete understanding of it.
5. That the engineer obtains and identifies proper map and lot numbers for the newly created lots from the appropriate official of the Town of Hampton Falls and that a note be added requiring that street numbers for new houses are to be assigned by the appropriate town official of the Town of Hampton Falls (before the mylar is signed).
6. That wetland district placard markers be obtained from the Conservation Commission, at the owner's expense, and that the placard markers be posted at wetland buffer points and corners, with one, or more, additional markers every 50' prior to any tree cutting for road construction or excavation. Wetland district placard markers are to be certified with a Certificate of Wetland District Placard Installation form for the Planning Board file.
7. That no structure of any kind, except underground utilities and drainage, be placed in the fifty-foot right-of-way of each road and the new roadway. This condition is to be included on the mylar, in the security agreement, and in the deed for each lot. No occupancy permit shall be issued until such time as all structures or fixtures (except utilities) shall be removed from the fifty-foot right-of-way.

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8. That the applicant be responsible to see that the provisions of Subdivision Regulation 7.8.1 shall be complied with in construction of the roadway, which includes preservation of any existing trees and shrubbery to the fullest extent possible.
9. That the plan set submitted as final for recording be reviewed by the Circuit Rider Planner in advance of the Chairman's signature and that no building permits be issued until the mylar is signed.
10. That the town engineer can agree to minor plan adjustments in the field. All such agreements are to be reported to the Planning Board Road Committee. All other changes must be referred to the Planning Board with the proper request and revised plans.
11. That no items such as, but not limited to, street lighting, granite curbing, fences, walls, sprinkler heads or entrance facades be built in the Town's right-of-way.
12. That a CAD file and proper number of plans, to include an 11" x 17" copy, be submitted in compliance with Subdivision Regulation Section 6.1.4.
13. That the Private Road Agreement, the Declaration Easements and Covenants, and the Fiduciary Deeds for the newly created lots be reviewed and approved by Planning Board Council.
14. That the name of the private road is approved by the Selectboard and shown on the plan prior to signing the mylar.
15. That NHDES subdivision approval for both lots (5A and 5B) must be recorded on plan sheet C-2, #1 in the construction section, prior to signing the mylar.
16. That erosion controls shall be installed according to the Sediment and Erosion Control Plan dated May 6, 2019 and that these erosion controls be inspected by the Town's engineer prior to disturbance for each phase of the project.
17. That the Town engineer inspect the construction of this private road at the applicant's expense.
18. That the Declaration of Easements and Covenants which contains the maintenance agreement be recorded with the plan.
19. That the developer signs the approved Private Road Agreement with the Town of Hampton Falls, indicating that he/she understands the town is under no obligation to take over maintenance or ownership of the private road.
20. That the portion of the structure on Lot 5A that is within the 50 foot setback be removed and labeled accordingly on the plan.
21. That the Private Road Agreement and Declaration of Easements and Covenants be referenced in the deeds for each lot.
22. That the stamp and signature of the licensed land surveyor, wetland scientist, soil scientists and professional engineer be on the plan before the mylar is signed.
23. The waivers that were granted must be on the plan before the mylar is signed.
24. That Fire Chief Lord provides the Board an updated approval of the cul-de-sac for the file.
25. That all monument notations 'to be set' are removed and replaced with 'set' as appropriate.

MOTION: S. HANSON
SECOND: E. BEATTIE
UNANIMOUS

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T. Santora asked the Board to give him permission to work directly with the Board's attorney regarding the legal documents for this case.

MOTION: To authorize T. Santora to work directly with Attorney Belliveau regarding final drafts of legal documents.

MOTION: S. HANSON

SECOND: E. CIMON

UNANIMOUS

MASTER PLAN CHAPTER – Existing and Future land use, L. Kucharski thought they were wonderful! When opened for public comment Beverly Mutrie had 5 comments: 1) she asked about a caption for the Applecrest photo, 2) she asked that ELU-2 table be labeled "table" and that ELU- Map 2 was missing, 3) that 2.0 paragraph 2 was the same as paragraph 5 and they should be reworked, 4) that the history she had provided was not included, she was informed that the location was not right for that info and instead a link was provided to the Historical Society website and 5) recommendation #7 the town has no authority to tell the Historical Society to do anything. She was informed that the Master Plan is only suggestions and not mandated. It was decided that she would coordinate with A. Brubaker who would get the changes to RPC for rehearing at our next meeting. T. Santora reminded A. Brubaker that there was supposed to be a paragraph regarding the distinction between the Heritage Commission and the Historical Society.

MOTION: To continue the public hearing on the Master Plan Land Use chapter to the next meeting.

MOTION: L. BROWN KUCHARSKI

SECOND: S. HANSON

UNANIMOUS

The public hearing was then closed.

REVIEW AND APPROVAL OF PREVIOUS MEETING MINUTES: April 23, 2019

Discussion regarding the motion made for Unitil tree cutting. The motion needs to be changed by deleting the second sentence in the April 23, 2019 motion to now read "To move forward with the necessary conservative pruning and poles, with the exception of the Storm Resiliency Program for Mill Land and Stard Road."

MOTION: To approve the minutes of April 23, 2019 as amended

MOTION: A. BRUBAKER

SECOND: E. CIMON

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4 APPROVED, 3 OBSTAINED, PASSES

COMMUNICAITONS TO BOARD MEMBERS:

Discussion about 2 house bills that might affect the way appeals are handled.

Discussion regarding RPC buildout plans, G. Copplemen will check with Theresa and find out how much it would cost.

Discussion regarding Tiny houses and whether or not we needed to review them.

OTHER BUSINESS:

Master Plan – Natural Resources Chapter - S. Hanson brought up corrections to the Natural Resources Chapter of the Master Plan. He stated that the chart for Town-Owned Conservation lands was incorrect as it showed Tonry and Applecrest as being town owned lands. He will get those corrections to RPC for public hearing next month.

MOTION: To bring to public hearing the Master Plan Natural Resources chapter to the next meeting.

MOTION: T. SANTORA

SECOND: A. BRUBAKER

UNANIMOUS

Case 19-03-01 – Unitil Scenic Road Alteration: T. Santora asked for a date to take a site walk for the trees on Stard Road. IT was noted that this would have to be a public meeting, properly posted and minutes taken. G. Coppleman suggested the correct way to go about this would be for Unitil to reapply for Storm Resiliency Cutting thus notify abutters, then Unitil can ask for a site walk at the regular Planning Board meeting then the abutters would be properly invited to attend the site walk or not. It was decided to table the site walk if and until Unitil reapplies.

MOTION: To adjourn at 9:35 p.m.

MOTION: E. CIMON

SECOND: L. BROWN KUCHARSKI-

UNAMIMOUS