

ZONING BOARD OF ADJUSTMENT	OCTOBER 25, 2018, 7:00 P.M.
TOWN OF HAMPTON FALLS	TOWN HALL

DRAFT

A. CALL TO ORDER: The meeting was called to order by Chairman J. DeLeire at 7:00 p.m.

B. ROLL CALL: J. DeLeire, Chairman, S. Bryant, Vice Chair, F. Perry, L. Job, Members; S. Almeda, Alternate, P. Young, Alternate, M. Sikorski, Building Inspector, H. Fazzino, Secretary. M. Call, Member and A. Dittami, Alternate, were absent.

The public hearing continued to be open. P. Young was designated as a voting member of the matter this evening.

The Alternates were reminded not to participate once a Motion has been made. Remaining alternates shall leave the table at that time.

Chairman DeLeire read the following case:

C. Case #18-05: Application from Heronfield Academy for a modification to a 2006 variance to the terms of Article III, Section 4E 1, 2, 3, and 5, to construct a multipurpose facility within the existing horse riding arena for school related purposes in Zone A, located at 356 Exeter Road, Map 6 Lot 22.

J. DeLeire provided a review of last meeting’s discussion and vote.

Attorney Beliveau drafted a proposed order, but was not able to attend the meeting. The proposed order is as follows:

Case # 18-05: Application from Heronfield Academy for a modification to a 2006 variance and to the terms of Article III, Section 4E 1, 2, 3, and 5, to construct a multipurpose facility within the existing horse riding arena for school related purposes in Zone A, located at 356 Exeter Road, Tax Map 6, Lot 22.

The Applicant, Heronfield Academy, is the owner of the property located at 356 Exeter Road, Hampton Falls, NH, Hampton Falls Tax Map 6, Lot 22 (the “Property”). Heronfield has filed an application for a variance with the Hampton Falls Zoning Board of Adjustment (the “ZBA”) seeking to modify the terms of the 2006 variance (Case #06-08) granted for the Property and a variance from the terms of Article III, Section 4E 1, 2, 3, and 5 of the Hampton Falls Zoning Ordinance.

At the October 10, 2018 continued ZBA public hearing, a motion was made to grant both of Heronfield’s requests along with proposed conditions of approval. The minutes of the October 10, 2018 ZBA public hearing set forth the motion, discussion of variance criteria and discussion of conditions of approval. The public hearing was continued to October 25, 2018.

At the October 25, 2018 continued public hearing, after further discussion among all interested parties, the ZBA voted in favor of the motion to grant both of Heronfield's requests with the following conditions of approval:

1. The Property and all buildings thereon, as shown on a plan included as Exhibit C to Heronfield's August 30, 2018 variance application and entitled "Board of Adjustment Site Plan" dated August 28, 2018, prepared by Altus Engineering, Inc. (the "ZBA Site Plan"), may be used for "middle school related purposes" (middle school consisting of some or all of grades 5, 6, 7, and 8) subject to all of the conditions set forth below.
2. The Property and buildings shown on the ZBA Site Plan may not be leased or rented by or to a third-party person, entity, group, association or organization provided, however, Heronfield may, in its discretion, allow the Property to be used by the Town of Hampton Falls, with any such use being subject to the conditions set forth in this decision and all applicable laws, regulations or ordinances.
3. Notwithstanding the terms of Article III, Sections 4.E. 1, 2, 3, and 5 (Hampton Falls Zoning Ordinance, Table of Uses), use of the Property and buildings shown on the ZBA Site Plan for "middle school related purposes" (including the proposed modification to the existing "horse riding arena" building as presented by Heronfield to the ZBA) include, but shall not be limited to, the following types of uses:

Academic and physical education classes or events including but not limited to sports or activities which can be played or practiced inside (such as, but not limited to basketball, lacrosse, football, tennis, racquetball, volleyball, badminton, dodge ball, soccer); drama, yoga, dance, art, or cultural activities; science and technology related classes or events (including but not limited to science fair, robotics practice); school events including but not limited to chapel services, assemblies, plays, recitals, speakers, concerts, fundraising events, social gatherings for students, parents, and/or educators; graduation; interscholastic competitive events between Heronfield and another middle school or schools (whether athletic in nature such as a basketball game or tournament or academic in nature such as a robotics competition or tournament or a chess competition or tournament); and parent teacher meeting spaces;

So long as:

the events/classes are held by the school or hosted by the school and the students at the school are participating, and the number of persons in attendance at each event/class is limited to the Hampton Falls Fire Department authorized capacity for the building and/or room and all activities taking place at the Property concurrently do not exceed required and available on-site parking.

Notwithstanding the foregoing, and for avoidance of doubt, outdoor overnight camping at the Property is not permitted.

4. Middle school related purposes that take place outdoors such as, but not limited to, athletic events at the Property, shall end no later than 9 P.M. This time limitation is not intended to apply to middle school related purposes that take place inside a building and end after 9 P.M.
5. The cemetery located on the Property and shown on the ZBA Site Plan as the Pike Cemetery is subject to applicable state law and shall be maintained in accordance therewith.
6. The need for or desirability of landscape buffers should be addressed by the Hampton Falls Planning Board as part of its site plan review process.
7. The 2006 variance (Case #06-08) has a condition of approval that reads as follows: “That activities related to horse shows, including the arriving and exiting of attendees and participants, shall not occur within the red-hatched area or paved drive (as shown on the “ZBA Area Plan” dated 12/6/06) while school is in session.” This condition is no longer relevant and is hereby deleted as a condition of approval to the 2006 variance.
8. The relief granted hereby, subject to the conditions set forth herein, shall extend to the entirety of the existing “horse riding arena” building and other buildings shown on the ZBA Site Plan. Therefore, should Heronfield desire to make additional modifications to the interior or exterior existing facades of the “horse riding arena” building or other buildings for middle school related purposes, it need only acquire appropriate building permit(s) and any necessary Planning Board approvals.
9. Except as expressly modified by this decision, (a) the 2006 variance (Case #06-08), and all conditions related to it, shall remain in full force and effect and, (b) all activities and uses of the Property and the buildings thereon are subject to the Hampton Falls Zoning Ordinance.

Chris Wyskiel, Esquire, conferred with his clients, B. Kelly, Head of School, P. Engerhoffer, Chair of the Board of Trustees, and presented the following comments to the proposed order:

#2- Attorney Wyskiel didn't like the word “used” in the first line. He proposed “may not be leased or rented.”

J. DeLeire invited comments from the Board. The Board discussed the intent of “used, leased or rented.” The consensus of the Board was to strike “used.”

#8- Attorney Wyskiel requested a change to the word “interior” on the fourth line, to read “to the interior or exterior existing facade to the extent any exterior modifications do not exceed town lot coverage requirements (or alter the essential characteristics of the property) of the existing horse riding arena. (rewrite #8 with edit here). Steve B. has original.

M. Sikorski confirmed that if the remaining 2/3 of the building are developed, the Planning Board shall be involved.

P. Young stated she is concerned about not allowing camp-outs. J. DeLeire encouraged limiting language in the order. F. Perry wondered when the idea came about. Attorney Wyskiel said it surfaced at the last meeting. The Applicant is respectful of the limitation.

MOTION: To accept the modification of the 2006 variance to the terms of Article III, Section 4E 1, 2, 3, and 5, to construct a multipurpose facility within the existing horse riding arena for school related purposes in Zone A, located at 356 Exeter Road, Tax Map 6, Lot 22, subject to the nine conditions of approval detailed in Exhibit A.

MOTION: J. DELEIRE

SECOND: S. BRYANT

UNANIMOUS

EXHIBIT A

1. The Property and all buildings thereon, as shown on a plan included as Exhibit C to Heronfield's August 30, 2018 variance application and entitled "Board of Adjustment Site Plan" dated August 28, 2018, prepared by Altus Engineering, Inc. (the "ZBA Site Plan"), may be used for "middle school related purposes" (middle school consisting of some or all of grades 5, 6, 7, and 8) subject to all of the conditions set forth below.
2. The Property and buildings shown on the ZBA Site Plan may not be leased or rented by or to a third-party person, entity, group, association or organization provided, however, Heronfield may, in its discretion, allow the Property to be used by the Town of Hampton Falls, with any such use being subject to the conditions set forth in this decision and all applicable laws, regulations or ordinances.
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So long as:

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9. Except as expressly modified by this decision, (a) the 2006 variance (Case #06-08), and all conditions related to it, shall remain in full force and effect and, (b) all activities and uses of the Property and the buildings thereon are subject to the Hampton Falls Zoning Ordinance.

Adopted by the Hampton Falls Zoning Board of Adjustment October 25, 2018.

Attorney Wyskiel requested that the other four cases be continued to January 24, 2019.

MOTION: To continue case # 17-06, #18-01, #18-03 and #18-04 to JANUARY 24, 2019.

MOTION: J. DELEIRE
SECOND: S. BRYANT

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The meeting minutes from October 10, 2018 were reviewed. P. Young requested a change to the seventh paragraph.

P. Young stated that she is opposed to the condition of not allowing the property to be ~~rented to~~ **used by** another group.

MOTION: To approve the October 10, 2018 meeting minutes as amended.

MOTION: S. BRYANT

SECOND: F. PERRY

UNANIMOUS

MOTION: To adjourn the meeting at 8:30 p.m.

MOTION: S. BRYANT

SECOND: F. PERRY

UNANIMOUS

The next meeting of the Zoning Board of Adjustment is scheduled for November 15, 2018 at the Town Hall.