

PUBLIC HEARING AND BUSINESS MEETING
DRAFT

- A. **CALL TO ORDER:** C. Brown called the meeting to order at 7 p.m.
- B. **ROLL CALL:** C. Brown, Chairman; A. Franciosa, Vice Chairman; B. Mutrie, G. Parish, A. Tonry, S. Volpone, Members; M. Kasprzak, Selectmen's Representative; L. Ruest, Administrative Assistant; D. Smith, Circuit Rider Planner; K. Kelley, Building Inspector
- C. **PUBLIC HEARING**

Lot Line Adjustment Revocation: In accordance with RSA 676:4-a, 1., request is made by Sheila Starvish Parrish on behalf of Deann Starvish, Map 1, Lot 66-1, to revoke the lot line adjustment approval of 2005 (Case 05-04-01; RCRD #D-32805) between Map 1, Lot 66-1 and Map 1, Lot 66-5 owned by Christian and Whitney Nowak. (Cross Reference Case #12-12-01)

C. Brown referred the Board to the email request made on behalf of property owner Deann Starvish dated December 13, 2011. For the record, she stated that the lot line adjustment referenced above was never acted on and now needs to be revoked in order to properly deed Map 1, Lot 66-1, ultimately correcting tax maps and records.

Discussion was opened to members of the Board. Hearing none, discussion was opened to abutters. No comments were heard at this time. T. Franciosa noted that one abutter present, Mr. Nowak, has talked with him with regard to the buyer (F. Crane) looking to purchase land from him. He asked whether this process is necessary at this time. C. Brown reported that the lot line adjustment plans were put together for the owner/Starvish and abutting owner/Nowak and that this lot line adjustment is being considered for revocation. A lot line adjustment approval for Crane has yet to be submitted for consideration. In response to Mr. Nowak, C. Brown provided a timeline of processing a lot line adjustment application to include a 30-day appeal period; costs for fees relating to this process are paid by the applicant and not the Town. Mr. Nowak reported that he is speaking with F. Crane at the present time with regard to a lot line adjustment between these two properties.

A. Tonry inquired as to whether the decision of the Board will be recorded at the Registry. It was determined that the decision letter would be recorded. If F. Crane decides to purchase land from Mr. Nowak, an application for lot line adjustment would need to be submitted for Planning Board approval and filing of new deeds completed.

Hearing no further questions, C. Brown closed the public hearing.

MOTION: To approve this lot line revocation subject to the appropriate documentation being filed at the Rockingham County Registry of Deeds and fees being paid.

MOTION: A. TONRY
SECOND: G. PARISH
UNANIMOUS

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D. REVIEW AND APPROVAL OF PREVIOUS MEETING MINUTES

A. Tonry inquired as to a paragraph on page two. Following discussion, the paragraph was amended to read:

*A. Tonry identified a number of corrections needed to plan wording. She also inquired as to whether a Scenic Road Alteration Permit was granted for this driveway. **It was determined that there is no need for Scenic Road Alteration Permit for this driveway as the plan is to use an existing woods road, however, it was noted that Scenic Road Alteration Permit was granted for the subdivision road for Starvish Lane.***

MOTION: To approve the minutes of the December meeting as amended.

MOTION: A. TONRY
SECOND: B. MUTRIE
UNANIMOUS

E. OTHER BUSINESS

1. **Committee Reports:** C. Brown acknowledged receipt of the December 14 and January 11 minutes of the Ordinance and Regulations Review Committee and the January 19 minutes of the Road Committee.
2. **Livestock Ordinance:** A copy of a draft ordinance for Agricultural Animals was reviewed by the Board. This matter was reviewed and forwarded by the Ordinance and Regulations Review Committee. C. Brown reported that this matter came to be based on concerns raised by the Building Inspector and Planning Board Member(s). At issue is the allowable number of animals and how to regulate the use on certain parcels of land (i.e., how much area is needed per animal for grazing, etc.).

M. Kasprzak stated she helped to prepare a booklet in this regard for Belknap County for horses and noted that the only item not addressed in this draft is what the minimum amount of land per animal should be. A. Tonry stated that this was discussed at committee; however, question was raised as to the amount of land needed by different types of agricultural animals. B. Mutrie referred to the State's booklet for Best Management Practices for horses and noted that information was used from this document.

Lengthy discussion ensued to include the matters of noise, manure management, odor, code enforcement and potential pollution to wetlands and wells. It was noted that the proposed ordinance would allow for a town official to address a complaint in this regard. K. Kelley stated that the reason he brought the matter forward is a quality of life matter, especially in regard to properties less than two acres. It was noted that most concerns in this regard are taken into consideration during site plan review for commercial operations.

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It was further discussed as to when the ordinance is passed and code enforcement is utilized. K. Kelley stated he felt all in town at present are grandfathered and/or pre-existing non-conforming. Board members felt it is important to have guidelines in place with regard to potential nuisance to neighbors. It was noted that this ordinance does not allow for a fine, however, is better than no ordinance in place. K. Kelley stated he felt this situation is a civil matter and that he, as Code Enforcement Officer/Health Officer should not be involved. S. Volpone stated that an ordinance would be helpful to a plaintiff in a civil case and asked K. Kelley if he sees this proposal as a positive step. K. Kelley stated that this would be beneficial for new lots created, however, remains a concern with existing non-conforming lots. He added that he does receive calls from realtors and others as to the number of allowable horses on a parcel. He noted that there are number of parcels in existence today that could not meet these requirements and used a Crank Road parcel as an example. A. Tonry stated she hears K. Kelley's objections, however, has not heard suggestions from him. K. Kelley stated he has not had a chance to read the draft ordinance, however, anything done to safeguard the neighbors in a tight environment would be helpful. S. Volpone asked K. Kelley to review and provide input for the next meeting of the Ordinance and Regulations Review Committee. All agreed that it is important to take time and address this matter properly with the intent of flexibility of agricultural animal owners without creating problems for neighbors and other health issues.

The matter of districts was presented as an option. A. Tonry stated that the intent is not to limit the number of animals but rather to address the cases where the use is overdone and affecting neighbors, water quality and the health and livelihood of the animal. She asked that K. Kelley provide input as to what he would like to see in an ordinance that might assist with this matter. It was indicated that the idea of a district could be reviewed by the Committee as well. K. Kelley asked Selectmen's Representative M. Kasprzak to consider whether she would prefer to leave this as a civil matter or whether she would support an enforcement issue.

C. Brown stated that per K. Kelley there are approximately six properties that are problematic at present. S. Volpone stated this ordinance would give people guidelines and that the NH statutes and Best Management Practices manual could be offered to assist with violations. D. Smith noted that all ordinances he researched have these referenced in the ordinance wording. K. Kelley added that any ordinance on the books is enforceable. C. Brown stated she is hearing from K. Kelley that it would be better off not to put this matter on the books. K. Kelley stated that it is a matter of Hampton Falls' quality of life and for the Board members to decide. He added that with potential enforcement and costs, he feels it would be best to leave a civil matter.

Further discussion took place with regard to creating an ordinance or leaving the matter to statutes and best management practices and neighbor versus neighbor. Discussion also took place with regard to commercial operations, site plan review before the Planning Board and enforcement of approved site plans. Concern was again expressed with regard to proper handling of manure and potential pollution. D. Smith offered a process through special exception where these types of concerns could be addressed. T. Franciosa stated that the spirit behind this proposed ordinance is geared toward those who come forward with a new facility and allows for consideration to be given to setbacks and manure management. D. Smith stated that

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the issue of run-off is important to address. In closing the Board asked that this matter be reviewed again at Committee level and that K. Kelley review and provide input at the next Committee meeting.

C. Brown explained that she would like to address public hearings for proposed amendments at the Board level in October or November in order to save money on the cost of legal notices. The numerous public hearings held in 2011 resulted in a number of legal notices and increased cost to the Town.

- 3. Peltons Way (Public):** C. Brown reported that both the public and private portions of this project will be addressed this meeting. She referred the Board to the Road Committee minutes where a motion was made to recommend to the Planning Board release of Peltons Way (public) from the construction phase to the maintenance phase, with conditions. She reported that a cistern easement deed and road deed has been submitted for review of counsel. Otherwise, all concerns relating to the public road have been addressed.

MOTION: That the Planning Board recommends to the Board of Selectmen that Peltons Way (public) be removed from the construction phase to the maintenance phase contingent upon the cistern easement deed and road deed being reviewed by counsel and contingent upon receipt of security in the amount of \$4,500 in an acceptable form such as passbook or certificate of deposit as recommend by the Road Committee on 1/19/12.

MOTION: T. FRANCIOSA
SECOND: S. VOLPONE
UNANIMOUS

Peltons Way (Private): C. Brown reported that the two bonds for this project (public and private) are close to expiration and referred the Board to Jones and Beach Engineers inspection reports of November 30 and December 7, 2011. She noted that certification of monumentation has been provided as well as as-built drawings. Discussion took place with regard to problems associated with the underdrain and pond as outlined in engineer inspection reports. C. Brown requested direction from the Board with regard to releasing the bonds and identifying what's outstanding. Question was raised as to whether the Board is comfortable with allowing the Chair and Vice Chair to decide whether to let the bonds expire (engineering review fees for the private portion of the project could be considered to be held to address needs if bonds expire).

MOTION: To authorize the Planning Board Chair and Vice Chair to take appropriate action if funds are not posted by February 3.

MOTION: S. VOLPONE
SECOND: A. TONRY
UNANIMOUS

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4. **Wadleigh Lane:** C. Brown referred the Board to Jones and Beach Engineers review letter of January 12 as well as the Road Committee minutes of January 19 and the recommendation to release Wadleigh Lane from the construction phase to the maintenance phase. She reported that a road deed has been received and sent to counsel for review, certification of monumentation has been received, and that the as-built plan needs to be revised to show the guardrail.

MOTION: That the Planning Board recommends release of Wadleigh Lane from the construction phase to the Board of Selectmen contingent upon the following,

1. Posting of \$1,500 engineering funds
2. Posting of \$35,800 maintenance funds
3. Receipt and review by counsel of a road deed for Wadleigh Lane
4. Addition of the guardrail to the as-built plan

as recommended by the Road Committee on January 19, 2012.

MOTION: T. FRANCIOSA
SECOND: A. TONRY
UNANIMOUS

F. COMMUNICATIONS TO BOARD MEMBERS

- Society for the Protection of NH Forests letter of 1/3/12 informing of a donation transfer of land to conservation easement for Beverly S. Powell Revocable Trust, 30 acre parcel, located at 27 Kensington Road, Book #5275, Page 2198
- Altus Engineering Review Letter 12/22/11 – Seafood Marketplace, 115 Lafayette Road: C. Brown reported on the status of outstanding items relating to this conditionally approved site plan, the information needed to finalize outstanding items, the need for certain State reports relating to the retaining wall for the septic system and the curb cut at the entrance, lighting change information and moving of the sign outside the 10' setback. D. Smith stated that these outstanding items are violation of site plan approval and that the tool of revocation could be used if needed.
- Updated Subdivision Regulations page for zoning books was provided to Board members.
- Great Bay Matters, Winter 2012 edition
- Board and Committee Membership: A. Tonry expressed concern with her ability to attend all meetings and questioned whether the Board wished her to step down or continue to attend meetings as she is available. C. Brown noted that G. Parish has been added as a member to the Ordinance and Regulations Review Committee and Board members indicated it was acceptable for her to attend as available. Reorganization of the Board takes place in the spring and this matter can be addressed again at that time, if needed.

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- Sign Up for Planning Board expiring terms starts 1/25/12. C. Brown, A. Tonry and G. Parish are the members with expiring terms.
- Alternate Members: Inquiry was made as to the status of obtaining alternate members for the Planning Board. Information was provided to the Chair as to two who have been identified as possible candidates.

G. ADJOURNMENT

MOTION: To adjourn the meeting at 9:04 p.m.

MOTION: A. TONRY
SECOND: S. VOLPONE
UNANIMOUS