

**PUBLIC HEARING**  
**DRAFT**

- A. CALL TO ORDER:** The meeting was called to order at 7:00 p.m.
- B. ROLL CALL:**       **Present:** C. Brown, Chairwoman; T. Franciosa, Vice Chairman;  
A. Tonry, B. Mutrie, S. Volpone, T. Santora, Members;  
G. Hardee, Alternate Member;  
M. Kasprzak, Selectmen’s Representative;  
D. Smith, Circuit Rider Planner (1<sup>st</sup> hour of meeting);  
K. Croteau, Secretary;  
**Not Present:** P. Stone, G. Parish, Alternate Members;  
M. Sikorski, Building Inspector
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**C. PUBLIC HEARING – ZONING AMENDMENT**

**LEGAL NOTICE OF PUBLIC HEARING**

**HAMPTON FALLS PLANNING BOARD**

The purpose of the hearing is to reconsider action taken at the November 26, 2013, Public Hearing. This is an amendment to the proposed changes that were brought to the November Planning Board’s public hearing whereby certain properties originally included in the amendment have been determined to be reconsidered and a previous term used is to be changed to include:

1. The term “Town Village District” is proposed to be changed to “Town Common District.”
  2. Properties west of Route 95, formerly part of the proposed Town Village District (proposed to be changed to “Town Common District), will remain in the current Agricultural/Residential District.
  3. Properties abutting Merrill Road that were located in the proposed Town Village District (Town Common District) will remain Agricultural/Residential District.
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Chairwoman Brown opened the public hearing at 7 pm. She explained the purpose of this public hearing was to reconsider action taken at the public hearing held January 7, 2014 and read the legal notice.

She then opened discussion on Item 1- The term “Town Village District” is proposed to be changed to “Town Common District” and asked for a motion,

~~**MOTION:** To change the term from “Town Village District” to “Town Common District” in the proposed zoning amendment, map and use table.~~

**MOTION: B. MUTRIE**

**SECOND: T. FRANCIOSA**

The Chairwoman asked for comment; hearing none she asked for a vote.

**UNANIMOUS, PASSES**

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Chairwoman Brown opened discussion on item 2 - Properties west of Route 95, formerly part of the proposed Town Village District (proposed to be changed to "Town Common District), will remain in the current Agricultural/Residential District.

~~**MOTION:** To amend Article II, Section 2.1.1 by removing the following map and parcel numbers from the Town Common District as follows: Tax Map 2 Lots 18, 19, 19-1, 20, 21, 22, 22-1, 23, 61, 71, 72, 73, 74, 75, and 76.~~

~~**MOTION: T. FRANCIOSA**~~

~~**SECOND: S. VOLPONE**~~

The Chairwoman asked for comment; hearing none she asked for a vote.

~~**UNANIMOUS, PASSES**~~

Chairwoman Brown opened discussion on item 3- Properties abutting Merrill Road that were located in the proposed Town Village District (Town Common District) will remain Agricultural/Residential District.

~~**MOTION:** To amend Article II, Section 2.1.1 by removing the following map and parcel numbers from the Town Common District as follows: Tax Map 8, Lots 67, 68, 69 and 70.~~

~~**MOTION: T. FRANCIOSA**~~

~~**SECOND: S. VOLPONE**~~

Chairwoman Brown asked for comment. K. Maynard, Merrill Road, asked for clarification and specifically asked if Tax Map 8, Lot 66, on Depot Road, would be removed from the proposed amendment, to which Chairman Brown responded no, it would not be removed. Chairwoman Brown then asked for a vote.

~~**UNANIMOUS, PASSES**~~

~~**MOTION:** To forward the amended zoning amendments to the Town Warrant.~~

~~**MOTION: B. MUTRIE**~~

~~**SECOND: T. SANTORA**~~

~~**UNANIMOUS**~~

B. Burns, Marthas Court, stated she knew the Planning Board had the best intentions but asked if a town lawyer had reviewed the conflict of interest issues. A discussion took place regarding this matter resulting in Chairwoman Brown asking Vice Chairman, T. Franciosa and Member B. Mutrie to step down. T. Franciosa and B. Mutrie recused themselves from voting. Chairwoman Brown then appointed Alternate Member, G. Hardee, a voting member for this public hearing. The previous motions were cancelled out and redone without discussion as follows:

**MOTION:** To change the term from "Town Village District" to "Town Common District" in the proposed zoning amendment, map and use table.

**MOTION: A. TONRY**

**SECOND: S. VOLPONE**

**UNANIMOUS, PASSES**

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**MOTION:** To amend Article II, Section 2.1.1 by removing the following map and parcel numbers from the Town Common District as follows: Tax Map 2 Lots 18, 19, 19-1, 20, 21, 22, 22-1, 23, 61, 71, 72, 73, 74, 75, and 76.

**MOTION: A. TONRY**  
**SECOND: S. VOLPONE**  
**UNANIMOUS, PASSES**

**MOTION:** To amend Article II, Section 2.1.1 by removing the following map and parcel numbers from the Town Common District as follows: Tax Map 8, Lots 67, 68, 69 and 70.

**MOTION: S. VOLPONE**  
**SECOND: A. TONRY**  
**UNANIMOUS, PASSES**

**MOTION:** To forward to Town Warrant the amendments to Article II, Section 2.1.1 changing the term “Town Village District” to “Town Common District” and removing the following map and parcel numbers from that district as follows: Tax Map 2, Lots 18, 19, 19-1, 20, 21, 22, 22-1, 23, 61, 71, 72, 73, 74, 75, and 76 and Tax Map 8, Lots 67, 68, 69 and 70.

**MOTION: A. TONRY**  
**SECOND: S. VOLPONE**  
**UNANIMOUS, PASSES**

Chairwoman Brown explained one more vote was needed to move the amended zoning amendment that removed the lots on Marsh Lane to the Town Warrant as this had not been done at the January 7 Public Hearing.

**MOTION:** To forward to Town Warrant the amendment to Article II, Section 2.1.3 removing the following map and parcel numbers from the Business District North as follows: Tax Map 8, Lots 52-2, 52-3, 53, 54 and Tax Map 9, Lots 5, 6, 7, 8, and 8A; these lots will remain in the Agricultural/Residential District.

**MOTION: T. SANTORA**  
**SECOND: S. VOLPONE**  
**UNANIMOUS; PASSES**

At this point Chairwoman Brown reminded the 30+ people in attendance that the Deliberative Session would be held Saturday, February 1 at 9:00 a.m. at the Lincoln Akerman School with a snow date of February 8. She asked if there were any questions.

L. Brown, Taylor River Road, asked why the Board was trying to develop a commercial district on roads other than Route 1, what kind of money did they expect to get and how the Board felt these changes would benefit the town. Chairwoman Brown explained that the Board had heard from many people regarding a need for development of the commercial district. She said the Board had originally looked at expanding the corridor to include tying together the town municipal buildings in with the Town Common but as there was quite a bit of opposition, this was pulled back.

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L. Brown, Taylor River Road, asked if the Board had notified all these people. Chairwoman Brown said that this was the 3<sup>rd</sup> Public Hearing and that all Public Hearings are posted by Legal Notice in the newspaper and at the Post Office, Library and Town Hall. The Board did not send out letters but flyers were sent out early on. She noted that some emails had been sent but that the emails are not to be considered the official word of the Town. She noted that invitations to a Saturday luncheon had been sent out last March, but due to poor response the luncheon was cancelled; she also noted that the Legal Notices of Public Hearing are also posted on the Town Website.

L. Brown, Taylor River Road, asked what kind of money was the Board looking to get out of this, to which Chairwoman Brown responded that what kind of development would result from these proposed amendments would only be known in the future.

C. Graham, Crank Road, asked if these proposed zoning amendments were due to a grant. He asked if the grant was applied for through the Rockingham Planning Commission and was the RPC going from town to town looking to Revision Route 1. To this Chairwoman Brown responded that the grant had come down from the state, the New Hampshire Housing Finance Authority, and that the RPC had been contracted with to work with the Town. The grant came from the state originally, there were a number of options it could have been used for; the Planning Board chose to apply for rezoning the business district.

R. Wiener, Surrey Lane, voiced concerns regarding the flyer referencing business zoning changes along the Route 1 Corridor. He also said he could not envision a walking area from the Town Common area at the Bandstand to the Town's municipal building area.

D. Burditt, Janvrin Drive, stated he was dissatisfied with the Planning Board. He noted that the Janvrin subdivision lots had not been removed from the proposed amendment. At this point, Mr. Burditt left the meeting.

T. Samway, Old Stage Road, asked why the Janvrin lots had not been removed. He said he had heard conflict at the prior public hearings with at least 3 or 4 people speaking against its inclusion and asked why this matter had not been followed up on. T. Samway asked if Chairwoman Brown would poll the Board. He also asked if the proposed amendment would now go through as a yes/no vote and the people on Janvrin Drive will not have been heard. Chairwoman Brown said the Board had not decided they wanted that change. T. Samway then asked how did they not hear Mr. Burditt, to which Chairwoman Brown responded Mr. Burditt's parcel is not in the district. T. Samway said Mr. Burditt is an abutter; he is surrounded on three sides.

L. Brown, Taylor River Road, asked for clarification on how far up Route 84 the proposal would go and how would that be fair to the townspeople, what good would it do the Town and how would it make the Town better. A. Tonry replied that she was not convinced that commercial is a bad thing to which L. Brown interjected and asked if she would like commercial next to her

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property. A. Tonry said her property abuts a school; she continued on and referred to the Pelton Farm Condominiums as an example for possible commercial development.

T. Santora, said that the tax rate is currently 20%, there are roads in town being patched as opposed to paved; repaving costs are estimated to be 1.9 million; the last thing we want is a town with a tax rate of 24%. He further stated there is no ill intent on the part of the Planning Board, there are no resources for a financial impact study; the Board has spent thousands of hours on this. The Board looked at the cars going to and from the beach and Applecrest as a way to possibly capture revenue, guidelines would be put in place to prevent eyesores, commercial property is not always bad.

L. Brown, Taylor River Road, said commercial should only be allowed on Route 1, but if the townspeople think this is a good idea then so be it.

E. Beattie, Drinkwater Road, asked if there was a chance to amend the article at deliberative session to which Chairwoman Brown responded that Planning Board articles cannot be amended at Deliberative Session per RSA. He then asked if there could be another time for the Board to meet on the matter of the Janvrin parcels. He expressed concern that the article would not pass if sent to vote as is. He went on to say he knew the Board had good intentions but the Janvrin parcels should be removed. Chairwoman Brown explained that Hampton Falls is a Senate Bill 2 Town and as such last date for public hearing is January 21.

T. Samway asked if the proposal could be withdrawn from the ballot so as not to waste all the work that has been done.

S. Burns, Marthas Court, thanked the Board for all the time and effort that was put into this project and said he too felt they only had the best intentions. He said he has heard a lot of unhappy residents. People in Hampton Falls want their peace and quiet, they don't want dumpsters etc. and he felt it was unfair to heap this on existing residents. He said he feels everyone is in support of the development of the Route 1 corridor and to keep it that way, away from agricultural/residential properties. He asked for a show of hands of people present who would support the proposed amendment if it did not include residential properties, almost all 30+ present were in favor.

C. Graham, Crank Road, said he had two things to add. One being the issue of conflict of interest, he noted he had looked up the statute and did not believe there was a violation of law when the Planning Board was acting in a judiciary capacity. Two, if notice had gone out from the Planning Board of sufficient quality, such as the Seabrook Planning Board hand delivers some notices, residents with issues would have been at every meeting from the beginning and we would not find ourselves up against the deadline.

G. Koch, Drinkwater Road, said he felt the Town Common District needed more scrutiny as well as the Janvrin area.

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T. Beattie, Drinkwater Road, inquired regarding the status of the Merrill property owned by the School. Chairwoman Brown noted that the property is already in the current commercial district and she does not know the status. She mentioned the School Board plans to come before the Planning Board in February; she also noted that the Planning Board does not have control over Town or School property.

At this point Chairwoman Brown asked if there were any further questions or concerns.

T. Samway, Old Stage Road, asked if the Board would consider not putting forth the article.

T. Franciosa, Wadleigh Lane, asked how it would affect the grant if it were not to be put forth.

Chairwoman Brown said it was a requirement of the grant to bring the article to Town Meeting vote.

Suggestions were made to remove the Janvrin parcels from the proposed amendment by a number of people in attendance. A lengthy discussion followed during which C. Graham, Crank Road, was asked for his opinion on the matter. He suggested the language in the Legal Notice may be broad enough to include removing the Janvrin lots from the proposed amendments at this Public Hearing.

Chairwoman Brown polled the Board members asking if they would be in favor of removing the parcels abutting the Janvrin subdivision from the proposed zoning amendment. The Board agreed to this.

**MOTION:** To amend the motion regarding Article II, Section 2.1.1 to include the removal of parcels abutting the Janvrin subdivision from the Town Common District as follows: Tax Map 7 Lots 8-1, 9, 10, 11, 22, 23, 24, 25, 26, 27 and Tax Map 8 Lots 19 and 20.

**MOTION: T. SANTORA**

**SECOND: S. VOLPONE**

**ONE ABSTENTION; FIVE IN FAVOR; PASSES**

**MOTION:** To forward to Town Warrant the amendments to Article II, Section 2.1.1 removing the following map and parcel numbers from that Town Common District as follows: Tax Map 7 Lots 8-1, 9, 10 11, 22, 23, 24, 25, 26, 27 and Tax Map 8 Lots 19 and 20.

**MOTION: S. VOLPONE**

**SECOND: M. KASPRZAK**

**UNANIMOUS; PASSES**

C. Graham, Crank Road, thanked the Planning Board stating he was proud to be a citizen of Hampton Falls. The Board received a round of applause from those attending the Public Hearing.

Hearing no further comment, Chairwoman Brown closed the Public Hearing at 8:45 p.m. The meeting concluded at this time.