

PUBLIC HEARING AND BUSINESS MEETING

- A. CALL TO ORDER – 7:00 PM:** C. Brown called the meeting to order.
- B. ROLL CALL:** C. Brown, Chairperson; L. Smith, Vice Chairperson; B Mutrie, D. Mitchell, A. Tonry, Members; R. McDermott, Alternate Member; S. Volpone, Jr., Selectmen’s Representative; D. West, Circuit Rider Planner; T. Pare, Building Inspector, Lori Ruest, Secretary
NOT PRESENT: C. Gordon, Member; M. Garavaglia, Alternate Member

Alternate Member R. McDermott was designated a voting member for this meeting.

C. PUBLIC HEARINGS

H. Boyd of Millenium Engineering requested the Board allow the following application to be heard first as the three other applications on the agenda are represented by Millenium Engineering. The Board approved.

- 3. Case 06-01-01:** Application from **Applecrest Farm Orchards, Inc.** for Final Public Hearing for a subdivision creating two lots (Exeter Rd., Map 5 Lot 14). Expedited review is requested.

Steve Oles of AMES MSC was present on behalf of the applicant. He distributed revised 11”x17” plans that replaced one page of the plan set submitted with the application. He also provided the Chair with a written request for waiver in response to a comment of the Circuit Rider Planner.

S. Oles provided an overview of the location of the full parcel with conservation easement as well as the three out easement areas of the conservation land. He identified the color highlighted sections of the revised plans as wetland or upland areas. Conceptual driveway and house locations have been placed on the plan and test pits have been conducted and approved by the Rockingham County Conservation District. Each lot results in two acres in size.

S. Oles reviewed D. West’s review memo at this time.

1. D. West asked the Board to disregard this comment as it was made in error. The wetlands on the parcels do not come close to 25%.
2. S. Oles indicated that the future owners of the lots would need to bring application to the Board for Scenic Road Alteration. Lengthy discussion of this matter took place. Some Board members felt that the permit for scenic road alteration should be done now, noting that the area in question is that of the Town right of way. T. Pare added that the ordinance allows for approval of the Road Agent for one driveway cut on a scenic road without Planning Board approval. Following discussion, the Board requested that the engineer stake out the driveway areas in question, as well as the cart path exit area adjacent to these lots, for view of the Board. S. Oles stated he would have the stakes in place by the end of the week.
3. Appropriate stamps will be placed on the final plans.
4. The margins on the plans will meet the Rockingham County Registry of Deeds requirements for submittal.

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5. HISS data has been provided on the plans and is shown by dark dash lines.
6. The waiver request submitted relates to this matter (Subdivision Section 6.2.9).
7. The waiver request submitted relates to this matter (Subdivision Section 6.2.14). S. Oles stated he did not know if underground utilities are planned. He stated he is willing to make underground utilities a condition of approval.
8. No easement is to exist for the "existing gravel road." This area is still considered frontage for Applecrest Farms and they have the right to use it to access Brown Road.

L. Smith noted that this out easement area is part of the negotiation for conservation easement with Applecrest Farm Orchards. The two lots originally fronted on Route 88 and were moved to Brown Road to preserve the scenic vista.

Hearing no further questions or comments from the Board, C. Brown opened discussion to abutters and members of the public. No questions were heard. C. Brown stated that the public hearing will remain open until next meeting.

MOTION: To accept the application as complete.

MOTION: R. MCDERMOTT
SECOND: L. SMITH
UNANIMOUS

MOTION: To forward the plan to Jones and Beach Engineers, Rockingham County Conservation District and Department Heads for review once the amount of \$5,000 engineering review funds is posted with the Town.

MOTION: L. SMITH
SECOND: D. MITCHELL
UNANIMOUS

Waiver request(s) will be addressed at the next meeting.

1. **Case 05-10-03:** Application from **Strategic Capital** for Harold and Doris Tanner for a Final Public Hearing for a Subdivision resulting in 5 Lots and Wetlands Special Use Permit. (Exeter Road, Map 4, Lot 40)

H. Boyd of Millenium Engineering was present. He submitted a letter requesting waiver to Section 8.6 Drainage dated January 20, 2006 to the Chair. This is in response to Jones and Beach Engineers' review comment.

C. Brown asked if anything further has been reviewed since Jones and Beach Engineers' review letter of November. H. Boyd reported there is no further written review. The two engineers have met and reviewed concerns; however, the plans have not been revised in time for this meeting. All comments made by Jones and Beach Engineers will be incorporated in the revised plan set. C. Brown requested that arrangements be made to have Jones and Beach Engineers final review letter available by the agenda close date of February 21.

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L. Smith inquired as to the issue of the well being allowed in the wetland buffer. H. Boyd indicated that Jones and Beach Engineers provided direction to apply for a Special Use Permit to address the disturbance in this area. H. Boyd indicated that there is no definitive answer as to whether a well head is defined as a structure. L. Smith requested this issue be resolved in advance of next meeting.

L. Smith stated that detention ponds are being seen more and more and added his concern of this stagnant body of water creating a mosquito problem. L. Smith asked how long detention ponds are expected to hold water. H. Boyd responded that it varies and depends on the design. The design in this case is a dry pond and will only have standing water during a heavy rain event. Otherwise, the water evaporates or percolates. HISS data is provided on page five of the plan set.

H. Boyd asked for feedback on the waiver request submitted this evening. C. Brown read the letter aloud. The request is to waive requirements for catch basins and curbing in the drainage swale. It is not for the entire length of the road and is shown on page six of the plan set. Question was raised as to who will maintain the walls of the swales of the cross section. H. Boyd noted that a dredge and fill application has been submitted to the state. The suggestion made by Jones and Beach Engineers would eliminate the need for a wall, will reduce wetland impact by 500' and would reduce the quantity of fill required, ultimately saving the expense to build and maintain. Discussion of the location of the curbing and crossing took place at this time. The Board requested that written input be obtained from the Road Agent on this matter. The Road Committee will need to agree with this proposal also.

H. Boyd also reported on C. Gordon's concern of the point in one property line where 125' cannot be met (at the area of the stone wall). H. Boyd stated he cannot do anything to change this configuration as it affects frontage and the detention pond. It is not a new line being created, but rather a property line that has existed over time.

C. Brown stated that there wasn't much more the Board could do at this time. H. Boyd submitted a hand-drafted request to continue this hearing until February 28, beyond the 65 day period.

MOTION: To grant the applicant engineer's request to continue this hearing to the Board's February 28 meeting.

MOTION: L. SMITH
SECOND: B. MUTRIE
UNANIMOUS

2. **Case 05-10-04:** Application from **Cock Hill III Realty Trust** for a Final Public Hearing for a Subdivision Creating 5 Lots. (Drinkwater Road, Map 4, Lot 53)
Case 05-11-02: Application from Millenium Engineering Inc. for a Final Public Hearing for a Scenic Road Alteration Permit [Remove 1 tree, and a section of stone wall along Drinkwater Road. (28.5') and rebuild stone wall outside of right of way. Map 4, Lot 53]
Case 05-12-01: Application from Millenium Engineering Inc. for a Wetlands Special Use Permit. (Drinkwater Road, Map 4 lot 53)

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H. Boyd of Millenium Engineering was present and reported that the status of this application is similar to the Strategic Capital application above. He apologized that the holidays and a vacation out of the country took his attention away from these projects.

H. Boyd indicated that he plans to meet with Jones and Beach Engineers with revised plans in order to obtain a final review letter from them in time for the Board's next meeting. There is nothing in writing available tonight to review.

H. Boyd requested input from the Board with respect to the need for scenic road alteration permit. He asked if the members had a chance to drive by to view the stakes placed identifying the edge of the right of way. Members did view the area and indicated approval for the tree to remain, with the condition that branches be trimmed. The stone wall was marked as well. Stones will be relocated. Jones and Beach Engineers will need to report on this matter.

H. Boyd provided a copy of a printout from a web site for the state indicating NH subdivision approval has been granted. This has been made part of the file.

Discussion of test pits for lots three and four took place at this time. H. Boyd indicated that he identified areas of 20,000 square feet. A test pit will need to be done before a building permit can be issued. Referring to page six of the plans, the Board requested that H. Boyd show the 5,000 square foot receiving area, over a good test pit, within a 20,000 square foot reserve area for both these lots. H. Boyd said he would do so.

H. Boyd provided the Board with photos showing the site distance from the proposed road. He stated there is over 600' of distance without any challenges. Discussion of the trees for screening to the Bean property took place. Suggestion was made to consider two rows of white pine trees offsetting the plantings as well as talking with the Beans.

Lengthy discussion of the detention pond being located in the wetland buffer took place at this time. Concerns included the need for special use permit, proper silt fencing, the depth of the proposed detention pond, grading and prohibiting the use of fertilizers or tree clearing in this area. H. Boyd suggested and volunteered to place monuments along the wetland line, at the major angle points. This will be a condition of approval. This suggestion was also assigned to the Ordinance and Regulations Review Committee for consideration of including this requirement as part of Hampton Falls' zoning ordinances. L. Smith asked H. Boyd to prepare a separate sheet showing this information as well as draft deeds with restrictions (reference Jones and Beach Engineers Item #12 of 11/14/05). H. Boyd stated he would do so and submit it to L. Ruest for submittal to and review by Planning Board counsel.

Hearing no further questions of the Board, discussion was opened to abutters and members of the public. No comments were heard. H. Boyd hand drafted a request to continue this hearing to February 28.

MOTION: To grant the applicant engineer's request to continue this hearing to the Board's February 28 meeting.

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**MOTION: L. SMITH
SECOND: R. MCDERMOTT
UNANIMOUS**

4. **Case 06-01-02:** Application from **Mary Weaver** for Final Public Hearing for a subdivision creating two lots (Brimmer Ln., (Map 7, Lot 60-3). Expedited review is requested, "Waivers requested."

C. Brown informed the Board and those in attendance that it has been determined that this application was not properly noticed in that the wording includes reference to subdivision, however, the applicant is requesting approval of a private road subdivision.

Therefore, this matter cannot be heard and will be renoticed in time for the Board's February 28 meeting.

H. Boyd of Millenium Engineering asked permission to present this matter on a preliminary basis. The Board declined as the application is for Final Public Hearing.

D. REVIEW AND APPROVAL OF PREVIOUS MEETING MINUTES

Revision was made to page one, paragraph three, sixth line; "NH Division of Historic Places" was revised to read "NH Division of Historic Resources." The first sentence (Discussion was opened to the Board.) of the last paragraph on page six was deleted.

MOTION: To approve the minutes of the December 2005 meeting as amended.

**MOTION: L. SMITH
SECOND: A. TONRY
UNANIMOUS**

E. OTHER BUSINESS

- 1 Jasinski/Mutrie Site Plan approval Conditions – Letter from Regional Capital Group (Map 8, Lot 92):

Charles Mutrie was present. B. Mutrie stepped down from the Board. The Board acknowledged receipt of a letter from Mr. Mutrie's lending institution and asked him to explain why this matter is before them.

C. Mutrie stated that he is seeking relief from Condition #8 of the subdivision approval which requires a bond to be in place prior to the mylar being signed and recorded. He reported that the lending institution refuses to fund a loan without seeing a signed mylar of an approved plan. He added that he felt the condition of posting the bond would be better placed with the condition of obtaining a building permit.

C. Brown stated that input was asked from Planning Board counsel. Copies of Attorney Mark Beliveau's response was provided to the Board members and reviewed by them at this time. The attorney's advice was to stay with the procedures that are in place.

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Comment was made that there is more than one financial institution and that the banks have not changed procedures. Question was raised as to why a change was made for the Pelton project. C. Brown stated that she learned that the Board should not have done what it did and that an applicant knows as the project progresses what will be forthcoming and should plan accordingly.

Board members indicated that they are inclined to follow Planning Board counsel advice. C. Mutrie added that there is no road for this project. C. Brown stated that is understood but counsel has advised that the conditions of approval as set should be followed and that the Town should not be open to liability without proper bonding in place. There has been no reason presented to change the way the Town handles approvals, therefore, there is no necessity to change it at this time.

Question was raised to Mr. Mutrie as to why the processing of the approval cannot be handled concurrently. C. Mutrie responded that he is not sure it isn't a possibility and thanked the Board for its time.

B. Mutrie resumed her seat on the Board.

2. Proposed Amendment to Reduce Septic Requirements, Building Code Section 7.13

The Board reviewed the revised draft copy of this proposed amendment marked "01/16/06 Draft." Some grammatical changes were made and a correction to an agent was made. Corrections made were minor and do not change the intent of the proposed amendment.

MOTION: To bring this matter, as amended, forward to the Board's February 28 meeting for public hearing.

MOTION: D. MITCHELL
SECOND: R. MCDERMOTT
UNANIMOUS

3. Building Inspector's Report:

The Board reviewed T. Pare's report for December 2005.

4. Committee Reports:

Although no committee minutes were part of the packets, C. Brown reported that the CIP/Master Plan Committee met to work on Chapter 12, Water Resources. The Road Committee met as well. Minutes of these meetings should be available in next month's mailing packet.

F. COMMUNICATIONS TO BOARD MEMBERS

Thank you – Mike Cuomo: L. Smith suggested the Board send a gift certificate and card of thanks to M. Cuomo for his generosity in spending his personal time to work with the Board with respect to revising the septic reserve area requirements.

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MOTION: That the Board give M. Cuomo a \$100 gift certificate (to a restaurant to be determined) and “thank you” card with the Board’s expression of gratitude for his assistance with revisions to the septic reserve area requirements.

MOTION: L. SMITH
SECOND: B. MUTRIE
UNANIMOUS

- Follow up letter – Dennis Rondeau.
- Jones and Beach Engineers final review letter of Changing Places.
- DOT application for Route 84 – Beverly Woodward – to allow access to maintain the dams.
- Annual Spring Conference notice – April 1, 2006
- RPC Coastal Program Grant Funds Available – Application on File.
- Stone Environmental – NH Estuaries Project Technical Assistance Provider Program
- The Source – winter newsletter

G. ADJOURNMENT

MOTION: To adjourn the meeting at 9:44 p.m.

MOTION: A. TONRY
SECOND: S. VOLPONE, JR.
UNANIMOUS