

**PUBLIC HEARING AND BUSINESS MEETING**

**A. CALL TO ORDER – 7:00 PM:** Chairman Graham called the meeting to order.

**B. ROLL CALL:** C. Graham, Chairman; C. Brown, Vice Chairman;  
T. Tocci, A. Tonry, Members; P. Robart, Selectmen's  
Representative; M. Carriel, Rockingham Planning Commission  
Circuit Rider Planner; R. Vigneau, Building Inspector; L. Ruest,  
Secretary  
NOT PRESENT: R. Duchaney, L. Smith, Members; J. Caunter,  
Alternate Member

C. Graham announced that certain applications on the agenda have been rescheduled due to an error on the part of the newspaper. The legal notice for these matters did not get published in time for hearing tonight and therefore, have been rescheduled to Tuesday, March 2.

**C. PRELIMINARY CONSULTATIONS:**

**Steven Sicard, Map 8, Lot 56, 143 Lafayette Road  
Proposed Amendment to Approved Site Plan – Self Storage Units**

Steve Sicard informed the Board that the developer and purchaser of this project have decided to create one building rather than two. This eliminates the 24' area between the approved buildings and provides for better safety. New plans are being drafted and will address parking, drainage and other issues relating to the change. The Board indicated that he should submit a formal application for consideration of the amendment. C. Graham added that this review will be similar to the original site plan review process but at a limited scope of review by the Town Engineer and department heads.

**D. Michael Davis, DVM, Map 6, Lot 22, 356 Exeter Road  
Proposed Change of Use to Equine Veterinary Hospital**

Dr. Michael Davis introduced himself and presented his idea to change the use of this property from a stable and riding academy to an equine veterinary hospital. Dr. Davis stated he felt this use is permitted; however, Board members questioned whether a veterinary hospital is a hospital as visioned under the zoning ordinance. It was noted that the Board might not have the expertise to answer this question.

Dr. Davis explained that he does surgery, medicine and specialized exams of horses. He is planning to have a clinic with a barn attached that will house the horses as though they were in a hospital. This allows for staff members to tend to problems on a daily basis. He also conducts impatient and outpatient services. He noted that he hopes to use the existing stalls by renting or leasing to individuals with large amounts of horses. He identified one building that he would need to construct a 5,200' addition. He added that he hopes to eventually live in the home as a resident, but plans to rent the home as the project develops. It was also noted that this use would generate less traffic than the approved use.

In response to question of the Board, Dr. Davis stated that there are a number of reasons he would like to move this business to Hampton Falls from Rochester. He noted that the land in

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Hampton Falls is the nicest in the state, that the facility he has now has become less state-of-the-art than desired and that a number of cases come from Connecticut and Massachusetts; Hampton Falls would be closer to that epicenter.

C. Graham noted that this property currently has residential uses and stabling. Question was raised with respect to the number of uses that would overburden a property. Dr. Davis stated that there is a plan for lot line adjustment to add approximately 18 acres to this property to address the issue of lot coverage.

M. Carriel indicated that there are two ways to approach this issue. One being the intensification of use and whether the use is allowed or not, and second, if this is an accessory to the use that's already present. It is not sure whether the request fits under either, however. M. Carriel added that she would be willing to research the ordinance to determine if it addresses a limitation to the number of uses.

Upon the filing of an application, the Board would need to resolve the use of veterinary hospital versus hospital as a permitted use and whether this is an accessory use in conjunction with the approved use. It was suggested that the lot line adjustment be done in conjunction with the site plan to address the issue of lot coverage.

It was further suggested that the applicant consult an attorney and possibly seek a special exception from the Zoning Board of Adjustment after consultation with an attorney.

**D. PUBLIC HEARINGS**

1. *Review and adoption of amendments to the Transportation Chapter of the Hampton Falls Master Plan, Chapter 5. Amendments include update of the transportation inventory, incorporation of new census information and recommendations. A full copy of the proposed Master Plan Transportation Chapter is available for review at the Town Hall. **This hearing will be held on March 2, 2004.***
2. **Case 04-01-01:** Application from **Tuck Realty Corp** for Final Public Hearing for a Lot Line Adjustment to property located on Swain Drive (Tax Map 5 Lot 53-8). Lot line adjustment is to adjust the right-of-way line as approved as part of the previously approved subdivision. Expedited Review is requested. ***This application continued to March 23 meeting.***
3. **Case 04-01-02:** Application from **Taylor River Farm, LLC** for Final Public hearing for Site Plan Review to construct two horse barns with apartments in each on Swain Drive (Tax Map 5, Lots 53-10 and 53-11).

Attorney John Colliander, Jeff Gove and George Chadwick of E. C. Mitchell Engineers were present. New plans were displayed and distributed to Board members. It was noted that the applicant has received comments from Jones and Beach Engineers' review, have revised the plans to incorporate these comments and have provided revised plans to Jones and Beach for a second review. G. Chadwick indicated that he received a copy of Jones and Beach Engineers' second review letter today. It was noted, however, that the Board has not received this review letter. M. Carriel also prepared a second review memo for consideration of the Board. She

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noted that she has not had an opportunity to review the most recent revised plans. A brief recess was taken to allow time for copies of documents to be made and reviewed by members.

G. Chadwick provided an update and identified the changes made since the plans presented at the last meeting, as follows:

- Parking calculation specifics have been provided as note 23 on sheet 1.
- The parking/gravel access around the building on Lot 53-10 that extended within 100' wetland setback has been eliminated. This has been discussed with Jones & Beach Engineers and the Fire Chief who provided a letter of approval.
- Sheet 2, no changes.
- Sheet 3, no changes.
- Referring to Sheet 4, Lot 53-11, the location of the septic system has been revised and moved from close to building to opposite of the southern side of the gravel drive that runs around the building. Lights have been provided. See detail on Sheet 8 showing fixtures and poles.
- Sheet 5, Lot 53-10, added snow storage to plan, added lighting along parking lot, eliminated the gravel access around building that extended within 100' buffer, therefore, not needing a special use permit.

Referring to Jones and Beach Engineers' letter of February 24, G. Chadwick reviewed two outstanding items. He then reviewed M. Carriel's memo of February 24 item by item. Discussion took place with respect to comments of Department Heads. In response to the Fire Chief's request for a dry sprinkler system, J. Gove stated that he plans to have a fire alarm system but that a sprinkler system would be too costly. In response to Police Chief Dirsas' letter, J. Gove explained the number of anticipated truck trips. He stated that hay is purchased by the ton and delivered by full tractor trailer load. This feeds 30 horses for three months. Grain is purchased and delivered by panel truck. Manure and wet shavings are removed from the dumpster every three weeks. He suggested that an extra dumpster could be brought in before roads are posted for the frost ban. The hauling of horses for shows begins the third week in April, a time when the frost ban should be lifted. With regard to the comment of the Building Inspector to restrict any further dwelling units on the lots with barns, discussion concluded that there actually is little to no area to place an additional dwelling unit and that any addition to this site plan would require site plan review with the Planning Board.

The Board discussed the issue of extending the 12 month period for vesting. Following discussion with the applicant, it was determined that 12 months is adequate and that no request for extension would be made at this time.

Hearing no further questions of the Board or members of the public, C. Graham closed the public hearing and entertained the following motion:

**MOTION:** To approve the application from **Taylor River Farm, LLC** for Final Public hearing for Site Plan Review to construct two horse barns with apartments in each on Swain Drive (Tax Map 5, Lots 53-10 and 53-11) with the following conditions:

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1. That the NH Department of Environmental Site Specific Permit and septic approval be received prior to the mylar being signed.
2. That any and all fees due the Town of Hampton Falls be paid before the mylar is signed.
3. That Note 10 and Note 19 are deleted from the plans and Note 23 is corrected.
4. That the pavement section detail be corrected.
5. That the light pole height be corrected.

**MOTION: T. Tocci  
SECOND: C. Brown  
4 in Favor, 1 Abstention, Passes**

4. *Case 04-02-01: Application from Louis P. Terramagra, for a Final Public Hearing for a Site Plan Review including a Scenic Road Alteration Permit and a Wetlands Special Use Permit to construct an equestrian arena with outdoor riding rings and fenced paddocks. Nason Road (Map 1, Lot 106) This hearing will be held on March 2, 2004.*
5. *Case 04-02-02: Application from Arleigh B. Greene, and William P. Abbey, for a Lot Line Adjustment increasing the size of one parcel by 6,982 sq ft and decreasing the size of an adjoining parcel by the same amount. Crystal Drive (Map 2, Lots 4-9 and 4-10) This hearing will be held on March 2, 2004.*
6. *Case 04-02-03: Application from J. Timothy Samway for a Final Public Hearing for Subdivision creating two lots (one new residential building lot). Old Stage Road and Batchelder Lane (Map 5, Lot 51-5) This hearing will be held on March 2, 2004.*
7. *Case 04-03-04: Application from Applecrest Farm, Inc for a Final Public Hearing for Subdivision creating eight lots and a new road. Brown Road and Old Stage Road (Map 5, Lot 51-1) This hearing will be held on March 2, 2004.*

**E. REVIEW AND APPROVAL OF PREVIOUS MEETING MINUTES:** C. Brown noted one grammatical change.

**MOTION:** To accept the minutes of the January meeting as amended.

**MOTION: A. Tonry  
SECOND: C. Brown  
4 in Favor, 1 Abstention, Passes**

C. Brown also noted that it would be a good idea to amend the note on page one, and reference the reasons for the note in this meeting's minutes. It was explained that the issue of inadequate frontage was not dealt with at the preliminary consultation for Mr. DePeters. Once this issue was realized, M. Carriel called Mr. DePeters and informed him of the zoning compliance issue. Mr. DePeters currently has an application for consideration at the Zoning Board of Adjustment meeting of February 26, requesting variance to the frontage requirement.

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**F. OTHER BUSINESS**

1. **Building Inspector's Report – Code Violation Lucy Kat (Map 4, Lot 70):** R. Vigneau provided a copy of his January report to the Board. He also referred the Board to a letter received from Lucy Kat's representative, S. Cummings. He noted that Lucy Kat has been issued a cease and desist for the use of acupuncture. The use of acupuncture is no longer taking place at this property and the sign has been removed. S. Cummings is now working with Lucy Kat to get this issue corrected and resolved. S. Cummings is requesting that an affidavit outlining the changes in use of this property be considered in lieu of an amended site plan. One reason for this is that the surveyor is not and will not be available to stamp the revised plan.

Discussion took place with respect to the issues that have no bearing on the physical layout of the property and whether the additional proposed uses affect other regulations (such as parking, lighting, etc.) that are considered as part of site plan review.

Board members expressed frustration with this issue, the amount of time it has taken to correct the violation and broad, open-ended phrasing that might allow for things not envisioned at the time of approval. It was noted that the Board cannot approve a range of activities but rather specific uses. In closing, Board members suggested that the applicant apply to the Board for site plan review of these issues and consider waiver requests. It was felt that after one meeting, the applicant would get a sense of what is allowable or not.

2. **Committee Reports:** No committee reports were heard at this time, however, T. Tocci noted that the public hearing for the Transportation Chapter of the Master Plan will be heard on March 2. He noted that he will not be in attendance. He added that the Master Plan committee will be working on additional chapters. T. Tocci plans to continue as member of the CIP committee until June. He noted, however, that during the reorganization meeting in March, someone will need to be appointed to this committee as well as the Road Committee.
3. **Alternate Planning Board Member – R. P. McDermott:** Richard McDermott was present and informed the Board of his interest in serving as an Alternate Member. The Board welcomed him as an Alternate and suggested that P. Robart bring this to the attention of the Board of Selectmen for appointment.

**G. COMMUNICATIONS TO BOARD MEMBERS:**

**Case #02-11-01:** Application from **American Storage Land Trust** for Final Public Hearing of Site Plan Review of a proposal to construct a self-storage facility and associated site improvements at property located at 41 Lafayette Road (Map 7, Lot 61). This application includes a request for Special Use Permit as provided for in Section 8.5 of the Hampton Falls Zoning Ordinance.

Referring to a letter dated February 25, 2003, C. Graham reported that the conditional approval for American Storage has lapsed.

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On behalf of the Board, Vice Chairman C. Brown thanked both C. Graham and T. Tocci for the enormous amount of time and service they have given the Board, especially as Chairmen. The Board will miss their dedication and knowledge. C. Brown also acknowledged Selectmen's Representative P. Robart's service to the Board.

**H. ADJOURNMENT:**

**MOTION:** To adjourn the meeting at 9:24 p.m.

**MOTION:** A. Tonry  
**SECOND:** P. Robart  
**Unanimous**