

**PUBLIC HEARING AND BUSINESS MEETING**

- A. CALL TO ORDER:** C. Brown called the meeting to order at 7:00 p.m.
- B. ROLL CALL:** C. Brown, Chairperson; L. Smith, Vice Chairperson; R. McDermott, B. Mutrie, Members; T. Tocci, Selectmen's Representative; M. Garavaglia, Alternate Member; D. Smith, Circuit Rider Planner; K. Kelley, Building Inspector; Lori Ruest, Administrative Assistant  
Not Present: D. Mitchell, A. Tonry, Members

M. Garavaglia was designated a voting member for this meeting.

**C. PUBLIC HEARINGS**

1. **Case #06-12-02:** Application by **Hampton Falls Storage** for a Final Public Hearing on a proposal to make minor amendments to a previously approved plan to add gas tanks, a generator, and foundation drains at property located at 143 Lafayette Road (Map 8, Lot 56)

Dan Duvall, Project Manager, and Alan Marshall of Ambit Engineering were present. This application was continued to this meeting to allow Board members an opportunity to review documentation that was not received timely for consideration at the January meeting.

Referring to item number two of the February 13 Ambit Engineering letter, C. Brown asked whether there is a problem posting a performance bond. D. Duvall stated he had no problem with attaching this condition to approval. This item was reviewed with K. Kelley and he stated concern with his being required to inspect something he is not familiar with and indicated he would prefer the applicant have this certified. Following discussion, it was determined that K. Kelley would review this matter with Jones and Beach Engineers to determine if a viewing is expected from the Building Inspector or whether a certification of the Town is being sought. D. Duvall suggested that there may be an engineered solution (diverter or fitting) to satisfy this issue and possibly eliminate the need for the performance bond. C. Brown confirmed that the performance bond would be an amount to address this issue only.

Revised plans were provided to include areas of change highlighted in green ink. Hearing no questions of the Board, C. Brown opened discussion to members of the public. Fire Chief J. Lord stated he visited the site today and noted that there is no barrier or protection in the area in front of the propane tanks. He requested that large boulders be placed in this area to prevent plowed snow from being pushed into the tanks and breaking a gas line. D. Duvall stated he would do so. J. Lord requested confirmation of the site of the generator. He was told that the generator will fall outside of the parking space area and will be protected by bollards. The detail of this is shown on the Detail Sheet. Discussion of the hours of generator operating time took place and it was confirmed to be 8 a.m. through 5 p.m. weekdays. The note on the plan (Sheet C3, #8) needed to be corrected. The Board reviewed the color template submitted for consideration as this is a condition of approval. The Board had no concerns with the colors proposed. Hearing no further comments, C. Brown closed the public hearing.

**MOTION:** To approve the application by **Hampton Falls Storage** for a Final Public Hearing on a proposal to make minor amendments to a previously approved plan to add gas tanks, a

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generator, and foundation drains at property located at 143 Lafayette Road (Map 8, Lot 56) in accordance with the plan by Ambit Engineering dated February 13, 2007, with the following conditions:

1. That a performance bond, as specified by the Town engineer, for a period of two years be completed with regard to the reverse orientation of the east roof drain as it discharges.
2. That this condition can be satisfied by an engineered solution satisfactory to the Town Engineer.
3. That a barrier for the two propane tanks be put in place in a manner satisfactory to the Fire Chief.
4. That operating hours for exercising the generator be 8 a.m. to 5 p.m. weekdays (Sheet C3).
5. That all conditions of prior approval(s) remain in effect.

**MOTION: L. SMITH  
SECOND: T. TOCCI  
UNANIMOUS**

2. **Case #07-02-01:** Application by **Derrick Higgins** for a Final Public Hearing on a Lot Line Adjustment at property located at 162 Kensington Road (Map 1, Lot 44)

D. Higgins, R. G. Davis and Engineer Paul Nichols were present. A letter of authorization to include signatures of all owners of record was provided for the file. P. Nichols referred the Board to the plan noting the area of adjustment. The proposal is to keep the property line as simple as possible having it run along the fence to the westerly stone wall. The adjustment takes into consideration the septic reserve area and sideline setback requirements.

Discussion was opened to members of the Board. It was noted that this minor lot line adjustment plan does not need to show HISS and topographical data. Discussion was opened to the public. John Parker of 170 Kensington Road spoke in favor of this proposal. Hearing no further comments, C. Brown closed the public hearing.

In response to B. Mutrie's inquiry, P. Nichol stated that the note on the plan referencing a plan revision for Randy and Sharon Whaley is a plan reference only for this survey.

**MOTION:** To approve the application by **Derrick Higgins** for Lot Line Adjustment to Map 1, Lot 44, adding .05 acres to Map 1, Lot 44-1 and decreasing Map 1, Lot 44 by .05 acres in accordance with the plan by Paul Nichols dated December 8, 2006 subject to the following conditions:

1. That new monumentation be set and a Certificate of Monumentation be provided for the file before the mylar is signed and recorded.
2. That new deeds be provided for the file showing the appropriate acreage of the resulting lots.
3. That any and all fees due the Town of Hampton Falls and its consultants be paid before the mylar is signed.

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

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**E. REVIEW AND APPROVAL OF PREVIOUS MEETING MINUTES**

**MOTION:** To approve the minutes of the January 23, 2007 meeting as written.

**MOTION:** T. TOCCI  
**SECOND:** M. GARAVAGLIA  
**UNANIMOUS**

**F. OTHER BUSINESS**

1. Case #06-06-01, David Chareth, Map 4, Lot 11, Withdrawal of Subdivision: C. Brown acknowledged receipt of a request from Attorney Saari of Casassa and Ryan dated February 7, 2007, to withdraw the subdivision.

**MOTION:** To accept the withdrawal of the subdivision (Case #06-06-01) in accordance with the February 7 letter from applicant counsel, Peter Saari.

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

C. Brown noted that the Superior Court (Docket #06-E-0586) and Zoning Board of Adjustment (Case #06-05) appeals have been withdrawn as well.

2. Avery Ridge Lane – Acceptance as Town Road – Easements: Report has been received from Jones and Beach Engineers indicating that a final inspection identified that all has been satisfied. As-built drawings have been received as well as monumentation certification, cistern approval, and signed drainage easements as required. All of this documentation is to be recorded at the Registry of Deeds. Funds are held for a two-year maintenance period once the road is accepted.

**MOTION:** To recommend to the Board of Selectmen that Avery Ridge Lane be accepted as a town road.

**MOTION:** L. SMITH  
**SECOND:** B. MUTRIE  
**UNANIMOUS**

3. Mary Howard - Request for Return of Application Fee: The Board acknowledged Ms. Howard's written request for refund of the \$100 site plan review application fee. Following discussion, the following motion was made.

**MOTION:** To deny the request to refund the application fee based on the time and effort spent by town employees and the Planning Board on the applicant's behalf.

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

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4. Public Hearing – Subdivision and Site Plan Review Regulations - Occupancy Permit: It was explained that documentation for this matter was not received timely in order to hold a public hearing at this meeting. A copy of a revised draft of the wording reviewed and approved last meeting was provided to Board members. The revisions include a definition and proposed section numbers for placement in the Site Plan and Subdivision Regulations. The word “Permit” was added and now reads “Certificate of Occupancy Permit.” D. Smith will forward the documentation needed for the legal notice to K. Kelley before March 6, 2007.

**MOTION:** To bring this matter, as amended, forward to public hearing on March 27, 2007.

**MOTION:** B. MUTRIE  
**SECOND:** R. MCDERMOTT  
**UNANIMOUS**

5. Rockingham Planning Commission Appointments: Request has been received from the RPC to address two appointments to the Rockingham Planning Commission that have expired. Richard McDermott has expressed interest in continuing on this Commission and Roger Venden has indicated he declines reappointment. The Board decided to address the position of alternate member at a future meeting.

**MOTION:** To appoint Richard McDermott as full member of the Rockingham Planning Commission.

**MOTION:** T. TOCCI  
**SECOND:** L. SMITH  
**UNANIMOUS**

6. Committee Reports:

**Road Committee 2/13/07:** Decision has been made to record as-built plans and indemnification agreements at the Registry of Deeds from this date forward.

**Ordinance and Regulations Review Committee:** The Committee was reminded to keep in mind that the work regarding workforce housing relates to an amendment to the existing multi-family/elderly housing ordinance. This review is not for a separate ordinance.

**G. COMMUNICATIONS TO BOARD MEMBERS**

- Follow-up and decision letters from January 23 meeting.
- 2/5/07 Letter from Public Service of NH regarding Transmission Line Easements, Procedures and Survey Requirements – It was suggested that this item be added to the checklist for applicants.
- Pervious Concrete Seminar – March 22, 2007, 3 p.m.
- Hampton Union news article “Seacoast Academy Gives First Glimpse” – Concerns were expressed with the proposed opening of this school in September and the fact that no application for site plan review is before the Board.

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- Industrial Communications, Epping ZBA, Hearing for Cell Tower
- UNH Landscaping at the Water's Edge brochure, March 27-28, 7:45 a.m. to 3:30 p.m.
- Gulf of Maine Times, Winter/Spring 2007

T. Tocci informed the Planning Board that the Board of Selectmen has appointed John Ratigan of Penhollow Lane as representative to the advisory committee for the East Coast Greenway, a program to place a trail(s) from Callas, Maine, to Key West, Florida.

B. Mutrie reported that she received an email from the NH Housing Authority indicating that they are currently working on a bill that will ultimately assist towns with planning for future growth and development. A letter of support is requested to be sent to the Legislature by the Planning Board. Members expressed concern with not having an opportunity to review this correspondence nor the web site listed in the email. Following discussion, it was decided that there was insufficient time to consider this request and respond by the deadline of March 5.

R. McDermott inquired as to whether there was any control over Board members who have a conflict of interest in acting in the capacity of Planning Board Member. It was noted that the position of Planning Board Member is an elected position where the member takes an oath to uphold local and state laws.

K. Kelley reported on a number of upcoming projects in both the residential and commercial zones indicating where some meet regulations and also where others appear to be questionable. Those projects that don't appear to fit the requirements and regulations of the Town of Hampton Falls are being referred to the Planning Board for a preliminary consultation.

B. Mutrie reported that she heard that Workforce Housing Coalition minutes have information that the Brown Road property is usable for workforce housing. She also reported that the Library is trying to have more of a community center where meeting minutes, information on the Town and other information is available to the community at large.

**H. ADJOURNMENT**

**MOTION:** To adjourn the meeting at 9:00 p.m.

**MOTION:** T. TOCCI  
**SECOND:** R. MCDERMOTT  
**UNANIMOUS**

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