

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; R. Duchaney, A. Tonry, Members; P. Robart, Selectmen’s Representative; R. Vigneau, Building Inspector; L. Ruest, Secretary
Not Present: L. Smith, T. Tocci, Members; J. Caunter, Alternate Member; M. Carriel, Rockingham Planning Commission Circuit Rider Planner

C. 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.

C. Graham opened the public hearing. He noted that one of the responsibilities of the Planning Board is to adopt and update a Master Plan for the Town. Several chapters have been updated with the assistance of the Rockingham County Circuit Rider Planner including the housing chapter. Work on the housing chapter brought to light the need to provide for a fair share of affordable housing in the community. This led to the proposed amendment for consideration on the ballot to be voted on March 9.

Hearing no questions or comments from the Board, C. Graham opened discussion to comments of the public. Hearing none, he closed the public hearing.

MOTION: To accept the amendments and adopt the Transportation Chapter.

MOTION: C. Brown
SECOND: P. Robart
Unanimous

2. **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)

Attorney John Colliander, L. Terramagra, James Storace (Construction Manager) and Christian Smith of Beals Associates were present. C. Smith displayed revised plans that addressed comments made in M. Carriel’s review memo dated February 19. He also referred the Board to a letter from Beals Associates outlining written response to each item. Other documentation identified for the record included a traffic study done by Steven Pernaw and Company, a letter from the Police Chief on behalf of the Highway Safety Committee, and a letter from abutters David and Barbara Lizotte.

C. Smith stated that following the preliminary consultation of December, the plans have been amended to take into consideration the comments made by the Fire Chief, Conservation Commission and Circuit Rider Planner. At this time, C. Smith noted the changes made to the plans to include:

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- Change of driveway access to single point of access rather than “u” shape.
- Parking area / spaces have been pulled to within the building setback. A special use permit is needed for area within the buffer area that is a gravel driveway.
- All paddocks have been pulled from wetland area, but are in the 100’ buffer area.
- The 20k septic reserve area is now identified. NH Soil Consultants is to design a septic system with a force main and pump. C. Smith added the temporary impact area for the construction of the force main and widening of the woods road.
- Outdoor riding rings have been relocated.
- The two proposed apartments are now one four-bedroom apartment.
- Forty (40) or so horses will be housed in the two barns.
- The riding arenas and rings are for training areas for horses and riders.

C. Smith reviewed M. Carriel’s review memo item by item as follows:

1. The apartment is for use to house an employee.
2. Traffic counts have been provided (31 trip ends per day). Notes have been added to the plans for hours of operation 8 am – 6 pm, Tuesday through Sunday. There are no plans for horse shows (C. Graham explained that Planning Board counsel is undertaking a review to what extent horse shows fall within allowable uses as set forth in the ordinance. Until the Board hears further, it will not be inclined to approve horse shows as an accessory or implicated permitted use under stables, riding academies. The Board will need direction from counsel before entertaining this issue.)
3. The number of parking spaces, using the Taylor River site plan, total 61 including handicap spaces. C. Smith stated he feels this meets codes and provides 1.5 parking spaces per horse stall, representing double of Taylor River Farm.
4. The owners have no firm idea of signage yet. Whatever is done will meet zoning requirements.
5. Legends have been expanded as requested.
6. The building elevation maximum height is 25 feet.
7. Minimal lighting is proposed (4 luminaires are identified on the plan). Lighting for access to buildings is to be provided by the architect. A landscape sheet is part of the plan proposing tree plantings, shrubs, and bushes to screen HVAC units, etc.
8. The applicant agrees to forwarding the plan to M. Cuomo for review of the 20k septic reserve and to the town engineer for engineering review.
9. The Board needs to act on waiver requests to plan scale and to allow parking to be gravel rather than paved.
10. The Board also needs to act on the request for scenic road permit to allow a single 24’ drive.
11. The Board needs to act on the request for special use permit. M. Carriel has recommended adding temporary disturbance and the applicant has done this.
12. State permits are needed and can be a condition of approval.

C. Smith was asked to identify the wetland buffer delineation line. It was noted that the outdoor riding arena is within the 100’ wetland buffer as well as the proposed paddock areas along the Lizotte property line. C. Graham commented that in review the permitted uses within the wetland area, those agricultural uses which would not contaminate soil or cause erosion are allowed. C. Graham questioned whether the

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paddocks would be allowable. C. Smith indicated that the paddocks will not be used on a daily basis but rather on a rotating basis in order to keep a standing of grass. With respect to contamination, C. Smith stated the applicant has a manure management program where the paddocks will be cleaned on the day used and the material removed from the site. P. Robart asked what guarantee there is that the paddocks would be cleaned every day. Jim Storace explained the way in which this is done. Hearing no further questions of the Board, C. Graham opened discussion to abutters.

D. Lizotte, 56 Nason Road, stated he understood the owner has a plan to remove manure and inquired as to a plan for the collection of urine. He noted that paddocks are proposed to be located within 50' of his well and that he is concerned with contamination as his well is located at 26' at present. C. Smith stated there is no plan for the collection of urine. C. Smith proposed moving the paddocks to be no closer than 75' to Mr. Lizotte's well which is within the requirements of the town.

S. Brickett, 70 Drinkwater Road, stated his concern with run-off from the wetland to Grapevine Run, which eventually ends up in the Taylor River. He noted that the manure collection plan appears to be okay for now, but does not address the future. He asked for assurance of a continued sanitation operation and identification of the person(s) who will be checking. He stated that he and his wife have no objections to the horse industry or the use of the land for horses, however, is concerned with the long-term influence on the area, specifically, the pollution of manure and upkeep of the premises.

A. Hill, Drinkwater Road, requested data to back up the applicant's opinion that urine will not contaminate the area. J. Storace stated that no studies have been done, but noted that the land in Hampton Falls is agricultural and that people are building on this land. He added that it is more advantageous to haul manure off site as there is no area on site to store it.

D. Wheeler, Kensington Road, inquired as to the process of engineering review of the applicant's plan. C. Graham provided this information. It was also stated that a licensed soil scientist conducted a survey and provided the information with respect to wetlands. M. Cuomo of the Rockingham County Conservation District, on behalf of the Town, witnessed the test pits with NH Soil Consultants. Site specific and Dredge and Fill Permits will be needed from state agencies. D. Wheeler also inquired as to whether the owner will be the operator of the facility. At this time, approval will be granted to the applicant. D. Wheeler asked whether the Board would require the posting of financial bond to ensure manure is removed from site. C. Graham stated that he is not aware of a regulation requiring the applicant to do so, but that it is worthy of discussion.

C. Smith informed the Board that L. Terramagra will be working at the farm on a daily basis and that J. Storace will handle the boarding and training of riders and horses. The riding rings will have a sand surface for the comfort of the horses and the paddocks are to be grass. The applicant was asked to provide a plan for erosion control.

B. Lizotte inquired as to the plans for removal of the knoll where the building is planned. C. Smith stated it is the applicant's intention to undertake some leveling of the knoll spreading soil to the area of the riding rings.

C. Graham requested C. Smith review the areas of wetland impact. C. Smith stated the only area of wetland impact is to upgrade a section of the woods road and the area to carry a force main to the leaching area. This area represents approximately 3,000 square feet and requires a Dredge and Fill Permit. C.

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Graham referred C. Smith to M. Carriel's comment (#11) relating to an area within the 100' wetland buffer for access into the property giving the Fire Department full access around the buildings.

K. Stevenson, 7 Prescott Lane, inquired as to the size of the building and the distance it is located from the Lizotte property. C. Smith reported the size as noted on the plan and that the building is 125' to the nearest corner of the abutting property. K. Stevenson asked how the manure is removed from the site. She was told that a one-ton dump truck is used once a day. In response to B. Lizotte's question of how the applicant will truck materials during the frost ban, J. Storace indicated that he would need to make different arrangements.

D. Wheeler noted that she and others use Nason Road for recreational purposes and asked if there is any requirement to prevent a build-up of manure on the roadway. J. Storace indicated that the truck used will have a cover. C. Gordon, 42 Nason Road, stated that he has lived on Nason Road for 20 years abutting Mr. Terramagra's existing barn and pastures. He stated that L. Terramagra holds horses second to him and does not allow an unclean environment.

In response to B. Lizotte, C. Smith identified the overall size of the lot to be 46.73 acres of which five are planned to be utilized for 40 horses. K. Ayers stated that her concern is that this agricultural use appears to be commercial and that the applicant is using the entire area of upland for a large building and impermeable surface. Other issues include commercial traffic and the housing of employees. C. Graham went on record to make it clear that stables and riding academies are permitted uses within the "A" District.

In response to D. Lizotte, C. Smith stated that the applicant is not proposing to stump in the 100' wetland buffer area. The plan is to grind stumps to the existing grade and not pull them from the ground. B. Lizotte asked to go on record to inform the applicant that activities take place at her property (cutting and splitting of fire wood, snowmobiling) that might startle the horses.

Hearing no further comments or questions from those in attendance, C. Graham closed the public portion of the hearing and asked for any further comment of the Board. A. Tonry inquired as to the plan for the four-bedroom apartment. C. Smith stated that this apartment will be used by one of the employees. The size of the apartment has not been determined yet. In response to R. Duchaney, C. Smith identified 19 paddocks (100' x 50' each). In response to A. Tonry, J. Storace stated that not all horses go out to the paddocks. Some go out for 20 minutes, come back and the use of the paddocks is rotated. C. Graham stated his concern with the wetland and wetland buffer areas being consumed with paddocks. He further noted that it is difficult to attain assurance that the paddocks, especially those near the abutters' well, are going to be maintained with a grass condition and asked the applicant to take this into consideration as the application progresses. He asked the applicant to provide elevations of what the area will look like once the knoll is leveled and material spread around. It was also requested that a detailed plan be provided to address run-off and soil erosion of the areas proposed to have a sand cover.

Although the public portion of the hearing has been closed, C. Graham allowed comment from the public. D. Wheeler asked whether there are riding trails on the property or whether it is anticipated that the horses will be using the roads. She also asked if the traffic study has taken the use of the roads by horse riders into consideration. C. Graham stated that this matter is not within the scope of the Board's jurisdiction. D. Wheeler inquired as to the drainage plan for the project. C. Graham stated that the Town Engineer

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would review the drainage calculations on behalf of the Board. C. Smith identified the drainage plan on Sheet 7 of 10, Drainage and Grading Plan.

A. Tonry noted that hay is planned to be stored in a tractor trailer and that it is not shown on the plan. The Board requested this be shown on the plan as a number of parking spaces will be eliminated. A. Tonry requested that the section of the woods road that is not part of the special use permit be considered and that the applicant provide information to assure that this area will not become deteriorated over time. The applicant stated the reason tractors travel this woods road is to access the barn on Mr. Terramagra's adjacent property. No further comments were heard from the Board.

MOTION: To accept the application as complete, accept jurisdiction of the plan and submit the plan to Jones and Beach Engineers, M. Cuomo, and Department Heads for review with the posting of \$2,500.

MOTION: A. Tonry
SECOND: P. Robart
Unanimous

3. 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)

Attorney Alan Ganz, representing Arleigh Greene, was present. Mr. and Mrs. W. Abbey were present as well. A. Ganz referred the Board to a set of plans that have been revised since those submitted with the application. The revisions address M. Carriel's review memo comments. All of her comments have been incorporated on to the plans with the exception of the leach bed for the Abbey lot. M. Carriel's comment #4 recommends that the 20,000 square foot septic reserve area be reviewed by M. Cuomo to ensure it is not being reduced in size by the relocation of the lot line. The area was identified on the plan. Review of the original septic plan did not show a reserve area but made reference to the fact that the reserve area was identified and approved.

Attorney Ganz reviewed M. Carriel's review memo item by item identifying the notes or changes to the plan. No further questions were heard from the Board. No questions or comments were heard from abutters or members of the public.

A. Tonry informed Mr. and Mrs. Abbey that this lot line adjustment will cause limitation to their ability to add on to their home due to the location of the septic reserve area. Mr. and Mrs. Abbey indicated they understood. C. Graham closed the public hearing.

MOTION: To accept the plan as complete and accept jurisdiction of the plan.

MOTION: A. Tonry
SECOND: C. Brown
Unanimous

MOTION: That the Board approve waivers to Sections 6.2.9, 6.2.16, 6.2.20, and 6.2.21 (rock ledges, tree lines, topographic contours, location and results of test pits and leach

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beds, HISS data) for Lots 9 and 10 of Map 5, Block 4. In light of the size and scope of the project, these are not necessary.

MOTION: A. Tonry
SECOND: C. Brown
Unanimous

MOTION: To approve the 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) with the following conditions:

1. That a Certificate of Monumentation be provided for the file before the mylar is signed.
2. That any and all fees due the Town of Hampton Falls be paid.
3. That draft deeds conveying the property be provided for the file.

MOTION: A. Tonry
SECOND: C. Brown
Unanimous

4. **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)

Tim and Anne Marie Samway, Attorney Chris Holdt of Donahue, Tucker and Ciandella and Dave Hislop, Engineer were present. A. Tonry informed the Board and applicant that she works for Donahue, Tucker, Ciandella. No objections were heard to her remaining seated on the Board for this application. T. Samway distributed new plans and identified the changes made from those plans submitted with the application. The comments provided by M. Carriel have been addressed on these plans. The questions regarding the 20,000 square foot reserve areas were discussed and results on the plan were found acceptable.

Discussion was opened to abutters and members of the public. No comments or questions were heard. C. Graham closed the public hearing.

The Board acknowledged receipt of letters from the Fire Chief and Police Chief. Both letters indicated no concerns. A. Tonry identified an area of the new lot to be less than 125' wide. The applicant was informed of the subdivision regulation that prohibits this. The applicant's attorney submitted a letter requesting waiver from this requirement.

MOTION: To accept jurisdiction of the application as complete.

MOTION: C. Brown
SECOND: A. Tonry
Unanimous

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MOTION: To approve the request for waiver to Subdivision Regulation, Section 7.1.6.2 for the newly created lot.

MOTION: A. Tonry
SECOND: C. Brown
Unanimous

The Board discussed M. Carriel's recommendation to forward this plan to M. Cuomo for review of the 20k septic area. D. Hislop's verified the 20k area on the plan.

MOTION: To approve the 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) with the following conditions:

1. That a Certificate of Monumentation be provided for the file before the mylar is signed.
2. That the 20k reserve area on the newly created lot be confirmed by M. Cuomo before the mylar is signed.
3. That any and all fees due the Town of Hampton Falls be paid before the mylar is signed.
4. That a note regarding the waiver be added to the plan.
5. That a lot number for the newly created lot be obtained from the assessing department for the Town of Hampton Falls.
6. That draft deeds be submitted for the file.

MOTION: A. Tonry
SECOND: C. Brown
Unanimous

5. **Case 04-03-04:** Application from **Applecree 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)

Ben Wagner and Fred Sprague of Millette, Sprague and Colwell were present. F. Sprague presented the plan noting that a number of the Board's comments from the November meeting have been incorporated. He stated that M. Carriel's comments (review memo of February 19) have not been incorporated on the plans. He reviewed her comments as follows:

1. F. Sprague will contact the assessor for lot numbers.
2. The drainage design is not complete. Following discussion, F. Sprague will review town records and submit an application for Wetland Special Use Permit for the drainage pipe in the 100' wetland buffer area. C. Graham stated that the Board did permit underground utilities in the context of special use permit for wetland crossing as part of a prior application. There is a set of items to address within the context of the ordinance.
3. Stamps will be on the final plans, note to be added.
4. F. Sprague will change iron pins to granite bounds.
5. House locations for lots 6 and 7 are to be relocated.

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6. A note is to be added regarding a public road. Street lighting is proposed. The Board indicated it is not interested in street lighting. F. Sprague will remove street lighting from the plan.
7. Silt fencing is to be added to plan set.
8. Note #5 is to be corrected.
9. A note is to be added regarding Impact Fees.
10. Site distance has been checked for the main road, but not for two drives fronting Old Stage Road. F. Sprague will do field verification on the two lots and stake locations.
11. The Fire Chief is to comment on fire suppression. Plans show a cistern between lots 4 and 5. The applicant can provide easement language for counsel review.
12. F. Sprague explained that the applicant and abutting property owners looked at the potential for development of the referenced parcel and extension of the road. Based on their findings, both owners decided not to pursue as there is no interest in extending road.
13. The applicant and engineer requested the Board schedule a site walk.

C. Graham noted that without the drainage being complete that the Board would be reluctant to accept jurisdiction of the plan. F. Sprague stated he would like to have time to revise the plans to incorporate M. Carriel's comments and any comments made as a result of the site walk. A tentative date and time for the site walk was scheduled for Saturday, March 13, 7:30 a.m. L. Ruest will check with members to see if they can attend.

MOTION: To continue this public hearing to the Board's March 23 meeting.

MOTION: A. Tonry
SECOND: P. Robart
Unanimous

D. OTHER BUSINESS: No other business was discussed at this time

E. COMMUNICATIONS TO BOARD MEMBERS: No communications were presented to the Board.

F. ADJOURNMENT:

MOTION: To adjourn the meeting at 9:57 p.m.

MOTION: A. Tonry
SECOND: P. Robart
Unanimous