

**PUBLIC HEARING AND BUSINESS MEETING  
FINAL**

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

**C. ROUTE 1 CORRIDOR STUDY DRAFT – DAVID WALKER:** David Walker, Transportation Planner with the Rockingham Planning Commission presented the Hampton Falls' portion of the U. S. Route 1 Corridor Study. A draft copy of the entire study was provided to Board members. D. Walker provided an overview of the issues addressed in the study to include intent, general recommendations and the next steps. He noted that the intent is to identify deficiencies, develop a tool to guide decisions for investment and document for use by all. Recommendations include changes to roadways, land use and zoning, access management, transit stops and streetscape and landscaping.

With regard to Hampton Falls, D. Walker identified the proposed changes to Route 1 to include five lanes in certain areas and three lanes in others. Minimal widening is planned in areas of environmental impact. Removal of traffic signal(s), closing of portions of roadways and medians are also planned.

Recommendation is made to reduce the number of driveways as development changes and provide for alternate connector accesses. The RPC plans to work with communities in this regard and is looking for endorsement of Planning Boards and the Department of Transportation. Concern was noted with the locations in which only one way turns are allowed thus making access difficult to businesses. D. Walker noted that in some instances the interconnections might create increased business.

C. Brown expressed concern with the median strips proposed given the small commercial district within Hampton Falls. She also noted that the change to Route 88, providing for two way traffic, would cut into the Town Common destroying existing trees. Significant time has been spent by volunteers and donations have been received with regard to the Town Common and it is requested that it remain as is. D. Walker was informed of the use of the area around the Common for parking for church services, Memorial Day services, bandstand concerts, children's activities and other events.

D. Glover, Exeter Road, referred to the evacuation plan for the nuclear power plant and the change to the travel lanes on both sides of the Common. D. Walker stated this plan would be taken into account. J. Morris, Victoria Drive, inquired as to speed limits and flow of traffic and congestion.

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The Board thanked D. Walker for this presentation. D. Walker welcomed written comments from the Board should it choose to do so.

**D. PRELIMINARY CONSULTATION: Property Owner: Patricia Novak-Kady  
Applicant: Joel Hirsch, 2 Falls Cove Road, Kensington, Map 6, Lot 20**

J. Hirsch was present. A proper letter of authorization has been received and is part of the file. C. Brown stated that preliminary consultations are non-binding on both parties; in this case, the applicant and the Planning Board. This discussion will be an exchange of ideas and information only and will not include consideration or review of plans.

J. Hirsch displayed a plan of the property and stated he is interested in purchasing the 42-acre property with one residence (of which 36 acres is in Hampton Falls) with the idea of building another house off a shared driveway; thus subdividing the parcel into two lots. He noted that he has had an informal discussion with the Conservation Commission and proposes to have no further development of the parcel by deed.

Discussion took place as to how this property is accessed as well as frontage of the lot. It was noted that the physical address is Exeter; however, access is through Kensington. There appears to be no frontage in Hampton Falls. No one had an answer as to which Town's public safety responds to this address; school bus service is provided by Hampton Falls. Following discussion of zoning and subdivision requirements, the Board asked that D. Smith research this matter within the Rockingham Planning Commission in order to provide suggestions. Suggestion was also made to J. Hirsch that review of the minutes with regard to this property might help.

**E. PUBLIC HEARINGS**

1. **Case # 08-04-02:** Application by **Maria Elias** for a Final Public Hearing for a Final Design Review to construct a 1,344 square foot Retail Space to be used as a Seafood Marketplace with a 40 seat restaurant and take out service on property located at 115 Lafayette Road (Map 8 Lot 60-1)

Dan Balfour of Jones and Beach Engineers was present. R. McDermott stepped down as an abutter. R. Spoerry was designated a voting member in his place. C. Brown acknowledged for the record that L. Ruest is also an abutter and asked whether anyone had objection to her taking minutes. No objections were heard.

D. Balfour reviewed the prior approval of landscaping retail sales and referred the Board to revised plans for the same 1,344 square foot building with half the first floor used for a 40-seat dining and half for a take-out restaurant. Septic and DOT applications are pending approval. Fourteen paved parking spaces and 22 gravel parking spaces have been provided (for a total of 36 where 29 are required). Request for waiver of engineer review has been submitted.

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C. Brown stated that the approval of 2002 has lapsed and that the applicant is starting over; engineer review will be required. C. Brown inquired as to the gravel parking and how it is determined how many spaces are in this area. D. Balfour suggested that these spaces could be delineated with curb stops and/or signage at each space. Concern was raised with regard to the picnic area backing up to the parking area and patron/pedestrian safety. It was also noted that a number of parking spaces will be lost in the winter time to snow storage. D. Balfour confirmed that the handicap parking spaces meet current ADA regulations. Three parking spaces were also noted to be located within the easement access area. D. Balfour noted that the Department of Transportation asked that the access driveway be lined up with the easement access. C. Brown requested that the easement holders (Southeast Land Trust, P. O. Box 675, Exeter, NH 03833) be notified by Certified Mail as the abutter notice sent to them was returned. It was determined that an answer is needed with regard to the easement to determine if parking spaces are to remain in this area.

Hours of operation are currently 11 a.m. to 8 p.m. Board members suggested that these hours be reconsidered to place the maximum in order to avoid having to request an amendment to the plan should the owners choose to be open later. The hours of 11 a.m. to 10 p.m. were suggested.

D. Balfour reviewed the comments prepared by D. Smith at this time. He reported that no construction has been done with regard to the previous approval and that the conditions of approval no longer exist. The prior approval has lapsed. He reported that he is not familiar with the reason that Stormwater requirements were waived and that he feels there is no change to impervious versus pervious surfaces and reviewed the drainage. D. Balfour stated that there is an easement for the well radius recorded in 2002. The well has not been drilled. In response to a request to move the well so that the radius falls on its own lot, D. Balfour stated there is no other location given the location of the septic system. The 5,000 square foot reserve area is not shown on the plan and should be added to the plan. It was determined that the well head is approximate five to seven feet off the property line. The Board requested it be moved as far from the property line as possible; keeping the radius out of the 5k area. D. Balfour stated that all required stamps will be placed on the final plan set and that additional research of the easement access area will be done to determine if parking spaces can be placed. He stated that the septic design is adequate to handle the fish market/restaurant; all septic information has been submitted to the State for approval. The location of the sign will be relocated to allow clearance to the easement. Parking spaces will be reviewed with regard to setbacks requirements. Sideline setbacks will be added to the plan. The use has been clarified as a restaurant/fish market/take out. Rough numbers have been generated for traffic. D. Balfour stated he doesn't see an increase that would justify a traffic impact analysis. The Department of Transportation will address this issue with the application for driveway permit. Recommendation has been made to send out the plan for review. Decision needs to be made as to which firm will review as Jones and Beach Engineers is the Town engineering firm.

A. Tonry requested written documentation from the easement holder that drainage is acceptable onto the conservation land. L. Smith stated that only two of the four monumentation markers

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relating to the conservation easement were found by a recent walk of the property. Proper monumentation will be a condition of approval.

J. Shaw expressed concern with the safety of the traffic flow of the plan from the change in use to restaurant. He noted that there is no demarcation or lighting of the parking area to protect pedestrians from the picnic area to the restaurant. Suggestion was made to move the picnic area to the north property line. Lighting is only provided along the road at present. D. Balfour will relook at the lighting and flow of pedestrians and traffic. L. Smith noted that lighting is to be down-shielded.

C. Brown stated that the plan could not be accepted as complete at this time and asked that the revisions discussed be made to the plans in time for the Board's June meeting. If the Board is satisfied at that time, the plans will be forwarded for review by an engineer, RCCD and Department Heads. Certified notice is to be sent to Seacoast Land Trust as well. This application is continued to the June 24 meeting. R. McDermott returned to his seat on the Board.

3. **Case # 08-05-01:** Application by **Dean Glover** for a Final Public Hearing on a **Lot line Adjustment** adding 44.7 acres to Map 6 Lot 45 from Map 6 Lot 47 on property located on 279 Exeter Road (Map 6, Lot 47)

C. Brown asked the Board for approval to move this application out of order.

**MOTION:** To take Case #08-05-01 out of order to consider prior to Case #08-04-04.

**MOTION: J. SHAW**  
**SECOND: L. SMITH**  
**UNANIMOUS**

Dean and Beverly Glover, Ernest and Carole Cherry and Henry Boyd of Millenium Engineering were present. H. Boyd referred the Board to a plan for lot line adjustment transferring 44.7 acres from Map 6, Lot 47, land of Glover, resulting in two acres; to Map 6, Lot 45, land of Cherry, resulting in 126.18 acres. H. Boyd noted that a portion of the land falls in Hampton.

Page two of the plan set shows detail of the Glover house, septic, well, setbacks and wetland delineation. No new buildings are proposed. Each lot has its own septic and well. C. Brown inquired as to the "woods road" shown on the plan. H. Boyd reported that this is a pathway used to access the back of the property. He reported that he could not find any written easement providing rights as part of his deed research. This "woods road" is to be discontinued unless the new property owner allows use of it. C. Brown also inquired as to the 51' strip of this land with frontage on Route 88. She asked if consideration had been given to adding this area to the Reed property, making a dual lot line adjustment. She noted that doing so would bring the property into more conformance with current regulations (125' subdivision regulation). H. Boyd stated this area is not used for frontage and that the applicants are not looking to create a new lot. It is part of the existing lot that already exists with nonconformity that is to be added to the Cherrys'

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land. C. Brown stated she felt the nonconformity could be corrected. H. Boyd stated there is no intention to add this area to the Reed lot nor has there been discussion to do so.

Discussion of the area of the land that falls in the Town of Hampton took place. H. Boyd reported that he did write to the Hampton Planner who indicated willingness to sign off jurisdiction. Detailed information is provided for assessing purposes. C. Brown noted that the Town of Hampton was not noticed by Certified Mail. H. Boyd stated he wrote an official notice and can provide a copy. He also received a letter from Exeter and Hampton Electric that indicates no concerns. In response to C. Brown, D. Smith stated there is a need for a signature block for Hampton on the recordable sheet.

Discussion was opened to questions of the Board. A. Tonry asked if the parcel below the 51' strip of land discussed earlier is owned by the Glovers. H. Boyd confirmed that they own Map 6, Lot 49. Question was raised as to whether the strip was considered to be added to this parcel. H. Boyd stated that the Glovers are looking to divest themselves from as much property as possible. He added that he has not spoken with the Cherrys regarding this and that he would not try to eliminate any development possibility.

Hearing no further questions of the Board, discussion was opened to abutters and members of the public. Hearing none, C. Brown closed the public hearing. D. Smith asked whether it is necessary to include the "woods road" on the plan. H. Boyd stated he included it to document areas of use and possession on the plan. C. Brown stated that if it is not planned to exist as a road that it should be removed. H. Boyd stated he would remove the words "woods road" and include information regarding this in the legend on the plan.

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

**MOTION: L. SMITH**

**SECOND: R. MCDERMOTT**

**6 IN FAVOR, 1 OPPOSED, PASSES**

**MOTION:** To approve the applicant's request for lot line adjustment to Map 6, Lot 47, adding 44.7 acres to Map 6, Lot 47 and decreasing Map 6, Lot 47 to two acres in accordance with the plan by Millenium Engineer, dated 5/5/08, 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 added to lots.
3. That any and all fees due the Town of Hampton Falls and its consultants be paid before the mylar is signed.
4. That correspondence from the Town of Hampton acknowledging acceptance of the lot line adjustment be received and made part of the file before the mylar is signed.
5. That the woods road be relabeled as discussed.

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**MOTION: L. SMITH**  
**SECOND: S. HANSON**  
**6 IN FAVOR, 1 OPPOSED, PASSES**

S. C. Hanson excused himself from the meeting at this time.

2. **Case # 08-04-04:** Application by **Newbury North Development** for a Final Public Hearing for a Five (5) lot **Subdivision** (Four (4) lots on Nason Road and One (1) lot on Kensington Road). Two of the proposed lots will require a **Scenic Road Permit** to allow relocating a total of 40 feet of existing stone wall to facilitate construction of two driveways. (Map 1 Lot 53 & 53A, and Map 4 Lot 5-1)  
**Case # 08-04-05:** Application by **Newbury North Development** for a Final Public Hearing for a Thirteen (13) lot **Subdivision**. A **Wetlands Special Use Permit** is required for ~~23,929~~ 654 square feet of 100 foot wetland buffer impact to facilitate 2,300 feet of road construction located on property at 203 Kensington Road (Map 1 Lot 53)

C. Brown called the above two applications together. J. Shaw stepped down and M. Garavaglia was designated a voting member leaving six voting members. Attorney Mark Johnson introduced himself and also introduced the representatives of Newbury North Development as Joe Falzone and Joe Calatona. Engineer Christian Smith and Ken Berry of Beals Associates, Bill Doucet of Doucet Survey, Larry Morse of NH Soil Consultants and Leslie Crofton-Carey, Assistant to Attorney Johnson, were present.

C. Brown thanked the applicant for providing all information on one plan set. Attorney Johnson stated the applicant appreciated the list of concerns provided by the Board and believes they have been addressed. C. Smith provided an overview of the project and changes made. C. Smith reported that one entrance road has been relocated changing the impact to wetland buffer to a very minimum. The road now threads through two wetland buffers. Doing so resulted in the loss of one lot. With the four lots fronting Nason Road, new lots created total 17. The only location which encroaches on the wetland buffer is the area of the deceleration lane at the entrance of the road for a total of 654 square feet impact to wetland buffer.

Other concerns raised last meeting have been addressed; the lots have been reconfigured, the road reconfigured, the scale of the fonts for test pits and well heads have been changed, and a note has been added stating all well heads will be as far away from the wetland buffer line as possible. D. Smith's comments have been addressed and responded to in writing (letter dated 5/16/08). C. Smith reviewed each item and response at this time. He noted that he anticipates having all permits in place for the June meeting. There is a plan to use the existing parking area for equipment storage. C. Smith noted that a Construction Site Plan has been added to the plan set (Sheet 7 of 15).

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C. Brown referred C. Smith to lots 4, 7, 12 in two locations, 15 and 16 and indicated that these lots do not meet the 125' subdivision requirement (7.1.6.2). Following discussion, C. Smith stated he would submit a waiver to this requirement for lots 7 and 12.

In response to D. Smith, C. Brown requested that he provide review comments relating to revised plans for the Board's next meeting. L. Smith thanked the applicant for the redesign of the road eliminating the impact to the wetland buffer. C. Brown acknowledged a letter submitted by the Historical Society dated May 21, 2008, requesting consideration be given to keeping the barn on its current granite site. C. Brown requested that the barn be moved to Lot 5 to keep it with the original property. J. Falzone stated there is talk of making a portion of this project a conservation effort.

Hearing no further questions of the Board, C. Brown opened discussion to abutters and members of the public. Paul Melanson, 217 Kensington Road, expressed his concern with the impact of drainage to his land. He noted that it is very wet now and that water travels down hill. C. Smith reviewed the results of the drainage study noting that the runoff in this area of the property has been reduced. Pam Biggi, 194 Kensington Road, stated that her hay fields across the street have been wetter over time due to a number of influences and that she cannot see a reduction given the impermeable surfaces, houses and plowing of snow. She is concerned that the fields will become wetter than now. C. Smith reviewed the results of the drainage study in this regard. P. Biggi also asked that the Planning Board, Conservation Commission and Town Engineer walk the property.

John Shaw, 86 Exeter Road, asked the Board to take into account the significant distance of roads and need to comply with regulations on sidewalks especially in regard to safety. He also asked the Board, before accepting jurisdiction, to look into the remediation plans done on the back acreage of this property. He provided information on soil conservation and remediation that has been done to include culverts, vegetation and covenants. He felt it reflected bad faith on the part of the applicant that this matter has not been disclosed and made part of the plan set and that it is important to look at changes being made with regard to septic locations in conjunction with the soil remediation. He also reported that hundreds of stumps have been buried and not reflected on the plans and feels information on the back 40 acres should be disclosed on the plans. J. Falzone stated he disagrees with Mr. Shaw and that all scientists have reviewed the project and that he wouldn't sell lots that could not be built upon. J. Falzone acknowledged one 50 x 70 foot area where stumps have been buried near the pond. It was also noted that trees with blaze line have been noted on the plan as historical reference. C. Brown stated that there is no proposed development within the Wetland Conservation District; the buildable area is outside the wetland buffer area.

C. Brown stated that the public hearing will remain open at least through the June meeting.

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

**MOTION: L. SMITH**

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**SECOND: R. MCDERMOTT  
UNANIMOUS**

Question was raised as to whether the traffic analysis should be sent out for review. D. Smith felt it should. C. Smith noted that the information will be addressed by the Department of Transportation as part of the driveway permit application. A poll of the Board felt it was sufficient for the DOT to review.

Attorney Johnson asked the Board to treat the request as two phases on one plan set and asked that the engineer break down comments by case numbers. C. Brown noted that any additional time to do so will be at the expense of the applicant. Attorney Johnson stated he understood. C. Smith was granted permission to contact Jones and Beach Engineers with questions given the timing involved.

**MOTION:** To forward the plan for review to Jones and Beach Engineers, Rockingham County Conservation District and Department Heads once the posting of \$5,000 is received.

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

J. Shaw resumed his seat on the Board.

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

**MOTION:** To approve the minutes of the April 22 meeting as written.

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

**G. OTHER BUSINESS**

1. Committee Reports: Minutes of the Ordinance and Regulations Committee of 4/9/08 and 5/8/08 were received.

**H. COMMUNICATIONS TO BOARD MEMBERS**

- Follow up letters to the April 22 meeting for Rogers, McInnis and Hampton Falls Business Commons.
- RPC Annual Meeting Notice – June 12, 2008 (C. Brown reported that the Tonry Tree Farm is to be recognized and presented an award.)

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- Managing Stormwater with Low Impact Development in Northern New England – June 12, 2008
- The Wetland Edge, Spring 2008, newsletter by Gove Environmental Services, Inc.
- Newspaper article “New ordinance is win/win for housing, conservation”
- “Save the Date” notification of LGC Annual Conference – November 12-14, 2008
- Supply Lines with The Source, Spring 2008

J. Shaw reported that the Road Committee is reviewing sidewalks to include municipal liability. M. Garavaglia added that the Road Committee meeting minutes for May 20 will be made available for next month’s mailing packets. She added that a request for granite curbing for Hardy Lane will be forthcoming to the Planning Board as part of the June agenda. Question was raised as to whether an amended plan would be required as curbing was not part of the original approval. C. Brown noted that curbing has not been allowed in the past at the Road Agent’s request. C. Brown will follow up with Selectmen’s Representative S. Hanson. A proposed revision to the multi-family housing ordinance will be added to the June agenda.

**I. ADJOURNMENT**

**MOTION:** To adjourn the meeting at 10:41 p.m.

**MOTION: R. MCDERMOTT**

**SECOND: A. TONRY**

**UNANIMOUS**