

**PUBLIC HEARING AND BUSINESS MEETING**

- A. CALL TO ORDER – 7:00 PM:** C. Brown called the meeting to order.
- B. ROLL CALL:** C. Brown, Chairman; L. Smith, Co-Vice Chairman; C. Gordon, Member; R. McDermott, Alternate Member; F. Ferreira, Jr., Selectmen's Representative; M. Carriel, Rockingham Planning Commission Circuit Rider Planner; R. Vigneau, Building Inspector; L. Ruest, Secretary  
NOT PRESENT: A. Tonry, Co-Vice Chairman; D. Mitchell, R. Duchaney, Members; J. Caunter, Alternate Member

Alternate Member R. McDermott was designated as a voting member for a total of five voting members present for this meeting.

**C. PUBLIC HEARINGS**

- 1. Case 04-04-04:** Application from **Louis P. Terramagra** for Final Public Hearing for a Subdivision creating seven lots with a Lot Line Adjustment and a Scenic Road Alteration Permit. (Map 4 Lot 2 and Map 1 Lot 106)

Christian Smith of Beals Associates, Attorney John Colliander, and Louis Terramagra were present. C. Gordon stepped down as an abutter leaving a quorum of four voting members. C. Brown offered the applicant the opportunity to continue this hearing until a full board could be present. Attorney Colliander stated the application could proceed.

C. Smith stated that he has revised the plans to address the review memos the members received in their packets. C. Smith offered the new plans for review and the Board accepted.

C. Smith provided written comments dated May 28, 2004 to the review comments of M. Cuomo, and Jones and Beach Engineers. This letter has been made part of the file. C. Smith stated he has revised the plans to incorporate all of M. Cuomo's comments as he requested. With reference to Jones and Beach Engineers' review letter #2, C. Smith indicated he has answered or made revisions to address all of the comments as requested. Review item #3 relates to the request for driveway access from Drinkwater Road for Mr. Terramagra's home at 86 Drinkwater Road. C. Smith provided a copy of state Department of Transportation requirements and stated he felt the requests for driveways from Drinkwater Road meet these requirements. The Board approved the driveways for the existing home and the newly created lot fronting Drinkwater Road, however, requested that the driveway for Map 4, Lot 2-3 front Wadleigh Lane. A cost estimate has been provided to Jones and Beach Engineers. C. Smith provided a copy for the file.

M. Carriel indicated that the outstanding items as part of her memo of June 16 are procedural items that have been addressed or can be conditions of approval.

C. Brown asked for additional comments from the Board. None were heard. Discussion was opened to abutters and members of the public. No questions or comments were heard. C. Brown closed the public hearing

**MOTION:** To approve the applicant's request for lot line adjustment to Map 4, Lot 2, adding 1.467 acres to Map 1, Lot 106 and decreasing Map 4, Lot 2 to 19.853 acres in accordance with

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the plan by Beals Associates PLLC, dated 4/7/04, and revised to 6/18/04, 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 a lot line adjustment plan separate from the subdivision plan be submitted for recording purposes.

**MOTION:** L. Smith  
**SECOND:** R. McDermott  
**Unanimous**

**MOTION:** To approve the applicant's request for Scenic Road Alteration Permit for property located at 86 Drinkwater Road, Map 4, Lot 2, subject to the stones removed be used to upgrade or add to the remainder of the existing stone wall.

**MOTION:** L. Smith  
**SECOND:** F. Ferreira, Jr.  
**Unanimous**

**MOTION:** To approve the subdivision of Map 4, Lot 2, into a total of seven (7) lots in accordance with the plan by Beals Associates PLLC, dated 4/7/04, revised to 6/18/04, subject to the following **conditions:**

1. That any and all fees due the Town of Hampton Falls and its consultants be paid before the mylar is signed and recorded.
2. That draft deeds for the newly created lots be submitted for the Planning Board file.
3. That monumentation be set and certified with a Certificate of Monumentation submitted for the Planning Board file before the mylar is signed.
4. That a cost estimate for construction of the roadway be furnished to the Road Committee to be reviewed by the town engineer in order that the security amount is determined.
5. That the applicant notifies the Road Committee as to the specific type of security to be posted before agreements are signed.
6. That construction security and inspection funds in amounts acceptable to the Planning Board Road Committee be posted before the mylar is signed and recorded.
7. That a road construction security and inspection agreement be completed with the Town of Hampton Falls before the mylar is signed and recorded.
8. That the mylar includes a note requiring that street numbers for new houses be assigned by the appropriate town official of the Town of Hampton Falls.
9. That no lots are to be advertised or sold before the mylar is signed and recorded.
10. That no structure of any kind, except underground utilities and drainage, be placed in the fifty-foot right-of-way of each road and the new roadway. This condition is to be included on the mylar, in the security agreement, and in the deed for each lot. No occupancy permit shall be issued until such time as all structures or fixtures (except utilities) shall be removed from the fifty-foot right-of-way.

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11. That utility boxes be placed as far as practical from the asphalt road surface.
12. That the applicant be responsible to see that the provisions of Subdivision Regulation 7.8.1 shall be complied with in construction of the roadway, which includes preservation of any existing trees and shrubbery to the fullest extent possible.
13. That Planning Board counsel, prior to the mylar being signed, approves the final language of all the easements and advises the cost of review and recording. All easements are to be recorded in the applicable deeds.
14. That driveway culverts be constructed in accordance with the approved plan.
15. That no occupancy permit be issued until such time as the requirements of the fire protection system have been installed, tested, and accepted in accordance with Subdivision Regulation 8.8.
16. That no building permits be issued until the mylar is signed.
17. That the town engineer can agree to minor plan adjustments in the field. All such agreements are to be reported to the Planning Board Road Committee. All other changes must be referred to the Planning Board with the proper request and revised plans.
18. That the applicant provide the Town of Hampton Falls with "as built" plans for the construction of the roadway, all drainage facilities and utilities prior to the release of the road security. This provision shall be included in the road construction security and inspection agreement.
19. That no fences, walls or entrance facades be built in the Town's right-of-way.
20. That for the duration of the roadway construction phase of this project, the applicant shall be required to maintain construction warning signs on either side of the project notifying motorists on Drinkwater Road of construction in progress. This shall be coordinated with the Hampton Falls Police Department.
21. That the applicant install street signs, painted white stop bars and double yellow lines for the distance of 200 feet along the new roadway (Sheets 9 and 10). Installation shall be coordinated with the Hampton Falls Road Agent.
22. That deed language for the cistern and drainage easements is reviewed by Planning Board counsel before the mylar is signed.
23. That all professionals' stamps be affixed to the plans before the mylar is signed.
24. That State Subdivision approval is received and noted on the plan before the mylar is signed.
25. That driveway access for Map 4, Lot 2-3 fronts the new road (Wadleigh Lane).
26. That final approval letters are received from Jones and Beach Engineers and M. Cuomo of the RCCD before the mylar is signed.

**MOTION: L. Smith**  
**SECOND: R. McDermott**  
**Unanimous**

**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)

Christian Smith of Beals Associates, Attorney John Colliander, and Louis Terramagra were present. C. Gordon remained stepped down as an abutter leaving a quorum of four voting

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members. C. Brown again offered the applicant the opportunity to continue this hearing until a full board could be present. Attorney Colliander stated the application could proceed.

C. Smith reviewed the comments of Jones and Beach Engineers review letter #4.

1. A note has been added to Sheet 6 indicating that the drainage swale is to remain unmaintained or in an unmowed condition.
2. A letter dated June 14, 2004 has been received from the Fire Chief regarding the underground fire alarm not being routed directly to dispatch. His letter also states he feels comfortable with the proposed layout of the building as shown on the plan revised to May 26. This letter is part of the file.

State Permit information will be added to the plans once permit numbers are received. C. Smith submitted a construction cost estimate for the buffer zone disturbance to the Board for the file. This needs to be submitted to Jones and Beach Engineers for review.

C. Smith reviewed M. Carriel's review memo dated June 16, 2004 at this time. Lengthy discussion took place with respect to the proper sequence of approvals for this site plan and the Lot Line Adjustment/Subdivision application for Map 4, Lot 2. Attorney Colliander expressed concern with timing as waiting for the subdivision recording number will take some time and will hold up the site plan project. M. Carriel stated her concern is addressing the property boundary change properly. As a solution, it was suggested that a Lot Line Adjustment plan be prepared separate from the Subdivision plan. This will allow recording, monumentation and proper reference numbers to be placed on plans. The Board agreed to amend the motion for Lot Line Adjustment to include the condition that a separate lot line adjustment plan be submitted for recording purposes. L. Smith and R. McDermott agreed to amend the motion and the vote was unanimous.

M. Carriel stated that the final items include the need for bonding and state permit numbers noted on the plans. C. Brown opened discussion to Board members. No comments were heard. She opened discussion to abutters and members of the public. Hearing none, she closed the public hearing.

**MOTION:** To approve the applicant's request for site plan to construct an equestrian arena with outdoor riding rings and paddocks (Map 1, Lot 106) subject to the following **conditions:**

1. That any and all fees due the Town of Hampton Falls and its consultants be paid before the mylar is signed and recorded.
2. That the hours of operation be 8 a.m. - 6 p.m., Tuesday through Sunday.
3. That the building height and sightless objects (pipes, stacks, air conditioners, etc) not exceed 35 feet.
4. That the landscaping be installed according to the plan. No occupancy permit shall be issued until the landscaping is inspected by the Building Inspector.
5. That the applicant post financial security (bond) to assure all site work, including landscaping, is completed according to the plan. Applicant is to submit a cost estimate to be verified by the town engineer.

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6. That no building permit be issued until security is posted and an agreement is signed.
7. That any and all state permits be obtained and made part of the file before the mylar is signed.
8. That no additional use or change of use shall be permitted unless approved by the Planning Board.
9. That approval is for an equestrian center.
10. That new monumentation be set and certified with a Certificate of Monumentation received for the file before the mylar is signed and recorded.
11. That new deed be presented for the file showing appropriate acreage added to lot.
12. That no changes to the approved plan(s) can be made without appearing before the Planning Board.
13. Horse shows are not permitted.
14. No loud speakers or voice amplification use is allowed outside the building that would violate the nuisance provision of the code (music for dressage is permissible).
15. A 15' vegetative border is to be maintained and grass is to be kept growing in the paddocks.
16. Approval is subject to final approval of the lot line adjustment to Map 4, Lot 2. The Lot Line Adjustment plan number as recorded with the Rockingham County Registry of Deeds is to be added to the site plan.

**MOTION:** L. Smith  
**SECOND:** F. Ferreira, Jr.  
**Unanimous**

C. Gordon resumed his seat on the Board.

**2. Case 04-02-04:** 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)

**Case 04-02-04** (amended): Application from **Applecrest Farm, Inc.** for a Wetlands Special Use Permit in connection with an eight lot subdivision previously applied for. (Map 5 Lot 51-1)

Fred Sprague of Millette, Sprague and Colwell and Peter Wagner were present. L. Smith stepped down from the Board leaving a quorum of four voting members. P. Wagner stated he was willing to proceed.

Letters of review have been received from M. Cuomo, Jones and Beach Engineers, and M. Carriel. F. Sprague reported that he has incorporated all of M. Cuomo's review comments of May 24 on the revised plans. He also reported that he revised the plans to meet most of Jones and Beach Engineers' review comments. He reviewed this review letter item by item at this time. Direction of the Board is needed for item three, item five, item 12, item 15, item 16, and item 26.

3. F. Sprague stated he felt the proposed grate is sufficient and seeks direction from the Board.

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5. F. Sprague stated he used national standards regarding the site distance. He provided a copy of the standards he used and asked for direction from the Board. No concerns were expressed.

12. The plans show overhead electric. Following discussion, F. Sprague stated he would change this to underground utilities.

16. F. Sprague stated he felt the erosion control measures are adequate and asked for direction from the Board.

26. F. Sprague stated that slope easement will require grading which goes beyond the extent of the town right of way. He asked if the Town wants easements across private properties to maintain the slopes. The Planning Board requested slope easements as indicated by Jones and Beach Engineers.

F. Sprague stated he has addressed all comments made with respect to drainage and the fire cistern and included them on the plan. Discussion was opened to questions of the Board. M. Carriel stated she would like an opportunity to review the revised plans against her last review memo of April 22, 2004.

She noted that the special use permit needs to be addressed by the Board. F. Sprague estimated 3,500 square feet of temporary disturbance. It was noted that this subdivision will take water from Old Stage Road and redirect it through a pipe to the detention area. This takes care of new drainage issues and improves the drainage on Old Stage Road. Following discussion, the Board made the following motion.

**MOTION:** To approve the applicant's request for Wetland Special Use Permit relating to Map 5, Lot 51-1, in accordance with the plan by Millette, Sprague and Colwell, dated 12/24/03, revised to 6/22/04, subject to the posting of a bond and agreement to the following:

*8.5.1 A special use permit may be granted by the Planning Board for the construction of roads and other access ways, pipelines, power lines, and other transmission lines within the District, provided that **all** of the following conditions are found to exist:*

8.5.1.1 The proposed construction is essential to the productive use of land not within the wetlands. *VOTE: Unanimous*

8.5.1.2 Design and construction methods will be such as to minimize detrimental impact upon the wetland and will include restoration of the site as nearly as possible to its original grade and condition; *VOTE: Unanimous*

8.5.1.3 No alternative route which does not cross a wetland or has less detrimental impact on the wetland is feasible; and *VOTE: Unanimous*

8.5.1.4 Economic advantage alone is not reason for the proposed construction.  
*VOTE: Unanimous*

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**MOTION:** R. McDermott  
**SECOND:** C. Gordon  
**Unanimous**

C. Brown noted that comment received from the School Board includes a request for sidewalks and a bus stop. The Planning Board does not require sidewalks. Bus stops could be a consideration of the developer, but will need to be out of the Town right of way. The Board requested F. Sprague review the size of the cul de sac with Road Agent R. B. Merrill to determine if it meets current specifications.

Discussion was opened to abutters and members of the public. L. Smith noted concern with liability on the Town if the Board were to require bus stop locations be provided by the developer. No further comments were heard. No abutters or other members of the public were present. C. Brown closed the public hearing.

The consensus of the Board was to require final approval from the Fire Chief, Jones and Beach Engineers and M. Cuomo. Discussion took place with respect to the fact that the 65 day time limit is expiring. P. Wagner acknowledged this and requested continuance.

**MOTION:** To continue this application to the July 27 meeting to allow time for final approval of department heads, Maura Carriel, Jones and Beach Engineers and M. Cuomo.

**MOTION:** C. Gordon  
**SECOND:** F. Ferreira, Jr.  
**Unanimous**

L. Smith resumed his seat on the Board.

**3. Case 04-03-05:** Application from **Anderson Marine** for Final Public Hearing for Site Plan Review for the use of marine repairs and sales at property located on Lafayette Road and Kensington Road. (Map 7 Lot 56 and Map 8 Lot 97)

Attorney John Colliander and Henry Boyd of Parker Survey were present. Attorney Colliander explained that in addressing the issue of lot merger(s), he has come to the conclusion that in 1985 the wrong lots were merged. He requests that the Board table this matter until he can correct the situation. He stated he will need to apply to the Planning Board to unmerge and then remerge to reflect the correct lots.

**MOTION:** To approve the applicant's request to continue this application to the July 27 meeting.

**MOTION:** L. Smith  
**SECOND:** R. McDermott  
**Unanimous**

It was noted that a cease and desist was ordered for this property but that the activity in violation has not stopped. The owner has submitted a site plan application in good faith. R. Vigneau and

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M. Carriel requested that the site plan address all business on both parcels. H. Boyd confirmed that the plans will show activities on both parcels.

**4. Case 04-06-01:** (cross reference Case 04-03-04) Application from **Beverly Mutrie** for a Final Public Hearing for Site Plan Review for an amendment to an existing Site Plan. (143 Lafayette Road, Map 8 Lot 56)

Charles Mutrie and Steve Sicard were present. C. Brown acknowledged a letter of authorization for them to proceed. S. Sicard stated that two months ago, an application was considered to make the two storage buildings one. The person buying the property has pulled out of the deal and it is now decided to continue with this project following the same guidelines as presented with the last application.

That application (Case #04-03-04) was accepted and scheduled for review, however, no funds were posted and the application was ultimately denied by the Board. S. Sicard stated that nothing has changed from that review. He confirmed that the approved number of units will remain the same with this building design and that he is not asking for any other changes of approval other than closing up the two buildings to one. An additional 1,400 square feet is created by doing so. Some units will be larger than originally planned with the additional space. The majority of the units will be climate-controlled. Parking was over-designed in the original approval. S. Sicard presented elevation and building plans for review. No color has been determined yet. M. Carriel requests that drainage be reviewed again.

Hearing no further comments from the Board, C. Brown opened discussion to abutters and members of the public. No abutters or members of the public were present. C. Brown closed the public hearing.

**MOTION:** To accept jurisdiction of the plans as complete and submit them to Jones and Beach Engineers, M. Cuomo of the Rockingham County Conservation District and Department Heads for review with the posting of \$1,000 engineering review fees.

**MOTION:** C. Gordon  
**SECOND:** R. McDermott  
Unanimous

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

**MOTION:** To accept the minutes of the May meeting as written.

**MOTION:** R. McDermott  
**SECOND:** F. Ferreira, Jr.  
Unanimous

**E. OTHER BUSINESS**

**1. Building Inspector's Report:** The Board acknowledged R. Vigneau's report for May.

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**2. Committee Reports:**

**CIP/ Master Plan Committee:** C. Brown reported that this Committee will meet its deadline to get Chapter 3, Future Land Use and Chapter 1, Community Vision and Goals chapters to the full Board for consideration. The committee is currently working on Chapter 7, Municipal Facilities Services.

**Ordinance and Regulations Review Committee:** C. Brown stated she spoke with D. Mitchell, Chairman of this Committee with respect to the issues of the impact fee and circuit rider planner fee schedule. D. Mitchell indicated this committee would meet before the next scheduled Planning Board meeting.

**Road Committee:** R. McDermott referred the Board to Section 7.4.1 of the subdivision regulations and also a copy of the Checklist of Information needed for drafting a Security Agreement. He was asked by Town Administrator E. N. Small to provide this information to the Board.

He also provided laminated copies of Planning Board Road Committee Authority of and Policies set by the Committee and a template of the Road Security Estimate Sheet.

**3. Yard Sale Ordinance:** It was noted for the record that the Yard Sale Ordinance was inadvertently removed from the zoning ordinance with the old version of the Home Occupation Ordinance. The Board of Selectmen will address this by creating a Selectmen's Ordinance.

**F. COMMUNICATIONS TO BOARD MEMBERS**

C. Brown acknowledged a letter from the Rockingham County Conservation District for test pits for John Sanborn, Map 6, Lot 5.

She also acknowledged an email opinion with respect to not approving a subdivision that includes a road with less than three lots. M. Carriel noted that she has spoken with persons in her office that do not concur with this opinion and feels it is a gray area.

Various legal letters relating to the Riverwalk/River Willow matter and Cherry Case #2 were acknowledged.

**G. ADJOURNMENT**

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

**MOTION:** F. Ferreira, Jr.  
**SECOND:** R. McDermott  
**Unanimous**