

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, Chairman; L. Smith, Vice Chairperson; R. McDermott, B. Mutrie, J. Shaw (arrived at 7:30 p.m.), A. Tonry, Members; T. Tocci, Selectmen's Representative; R. Spoerry, M. Garavaglia, Alternate Members; D. Smith, Circuit Rider Planner; K. Kelley, Building Inspector; L. Ruest, Administrative Assistant

C. PUBLIC HEARINGS

1. **Case # 07-06-03:** Application by **Tuck Realty Corporation** for a Final Public Hearing to allow a Six-Lot Single-Family Subdivision, Lot Line Adjustment ~~and Wetlands Special Use Permit for a 7,200 square feet Bio-retention Pond and Drainage Conveyance~~ at property located at Kensington Road, Route 84 (Map 1, Lot 65 and 65-1)

R. Spoerry was designated a voting member for this application in J. Shaw's absence.

S. Brickett, C. Golas, C. Smith and S. Frankiewicz of Beals Associates, Attorney J. Ratigan, and J. Krebs of Tuck Realty were present.

C. Smith displayed and presented revised plans that include amendments resulting from town engineer and department head reviews. He stated that the plans address all concerns raised with the exception of Jones and Beach Engineers' review comment (review letter dated 8/20/07; #1 under heading of Drainage Calculations) relating to Design Standards (7.7.3.1). C. Smith reported that Jones and Beach Engineers is requesting a full analysis of the entire parcel with regard to drainage and erosion sediment control measures. C. Smith noted that this has not been required on past projects he's presented to the Board and that the detention pond has been analyzed for 50 and 100 year events. He requested direction from the Board on this matter. Discussion took place amongst Board members who commented that town regulations need to be satisfied and that the applicant went above the requirement analyzing 50 and 100 year storms. The consensus of the Board was not to require analysis for additional storms.

Discussion was opened to Board members. L. Smith inquired as to the plan for the stones of the sections of the stone wall that fall within the proposed roadway. He informed the applicant of the Planning Board's requirement to keep stones from stone walls on site. It was also indicated that a note will be required to be added to the plan to this effect as a condition of approval. Following review of the existing stone wall and the sections that are to be relocated, it was determined that a portion of the stones will be used along the rear property line of the Golas property (easterly boundary of Lots 5 and 7) and others will be used along Route 84/Kensington Road. C. Smith stated he would add a note to the recordable sheet of the plan set.

T. Tocci inquired as to the location of the cistern. C. Smith reviewed the plan for placement of a cistern and referred Board members to Sheet 4 and Sheet 8 for cistern details. It was noted that

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Fire Chief J. Lord signed off on this matter as part of the Highway Safety Committee and Fire Department reviews.

M. Garavaglia inquired as to the temporary location for equipment storage. C. Smith reported that the location has been changed from the Golas property to Lot 2.

D. Smith stated he had no further comments and K. Kelley requested that a note be placed on the plan to address the requirement of certifications for wells and wetland buffer areas. L. Smith noted that he has drafted a condition of approval to address this.

Discussion was opened to abutters and members of the public. David Dalton of 181 Kensington Road stated he feels this subdivision is a bad idea. One concern is that of water running off the hill across the street from this parcel. He stated he feels the run-off will flood the subdivision even though he understands the detention pond provided. He added that he feels he will be losing quality of life and peacefulness and inquired with the Board as to limitations that could be placed on the operation of heavy equipment on site. L. Smith stated that although the Town does not have an ordinance restricting hours of operation, that the Board has placed conditions as part of approval. D. Dalton requested that machinery not be allowed to start up until 8 a.m. L. Smith stated that 8 a.m. might be unreasonable and suggested hours of 7 a.m. to 6 p.m. weekdays and 8 a.m. to Noon on Saturdays, with no construction on Sundays. J. Krebs stated the proposed hours of operation are acceptable. C. Brown stated that hours of operation relate to the construction of the roadway and not any future home construction.

M. Garavaglia inquired as to recommendation that stone check dams be removed before final inspection and acceptance of the roadway. It was noted that this will be a condition of approval. M. Garavaglia suggested the requirement be included in the security agreement as well. The Board agreed.

(J. Shaw joined the meeting at this time. R. Spoerry remained seated as a voting member through the end of this public hearing.)

Hearing no further comments from the public, C. Brown closed the public hearing. L. Smith thanked the applicant for redesigning the plan. Waiver requests were addressed at this time beginning with request for waiver from Subdivision Regulation Section 8.6 that requires all drainage pipes to be reinforced concrete. Proposal is to use High Density Polyethylene (HDPE) drainage piping. Jones and Beach Engineers supports this request.

MOTION: To grant the applicant's request for waiver to Subdivision Regulation Section 8.6 requiring all drainage pipes to be reinforced concrete, allowing the proposal to use High Density Polyethylene (HDPE) drainage piping based on Jones and Beach Engineers' support of this request.

MOTION: L. SMITH
SECOND: T. TOCCI
UNANIMOUS

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The second request relates to Subdivision Regulation Article 6.2 that requires boundary, topography, wetlands and soil mappings on the entire lot area. The applicant is seeking waiver as the portion of the parcel not surveyed is nearly completely wetland area and would not provide any additional useful information nor does it hold any real potential for development.

MOTION: To grant the applicant's request for waiver to Subdivision Regulation Article 6.2 that requires boundary, topography, wetlands and soil mappings on the entire lot area as the portion of the parcel not surveyed is nearly completely wetland area and would not provide any additional useful information nor does it hold any real potential for development; this being supported by Jones and Beach Engineers.

MOTION: T. TOCCI
SECOND: R. MCDERMOTT
UNANIMOUS

For the record, C. Brown reported that the Highway Safety Committee and Fire Department have indicated no concerns. The Conservation Commission has reported that its concerns have been addressed with the elimination of the bio-retention pond. Rockingham County Conservation District reports the plan meets septic system regulations and the wetlands and soils information appears accurate.

T. Tocci inquired as to the application for driveway permit to the Department of Transportation for the new road entrance. He noted that the DOT has discontinued granting approvals on State roads with regard to requests for new roads in communities. The procedure now is to alert a Town that the applicant has applied for a permit and does not convey any form of approval of the application. C. Smith stated that a permit has not yet been issued. C. Brown noted for the record that the Board of Selectmen approved the road name of "Hardy Lane" for this subdivision.

MOTION: To approve the subdivision of Map 1, Lots 65 and 65-1 into a total of six (6) lots in accordance with the plan by Beals Associates dated June 5, 2007, revised to August 21, 2007, 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 applicant notifies the Road Committee as to the specific type of security to be posted before agreements are signed.
3. That construction security and inspection funds in amounts acceptable to the Planning Board Road Committee be posted before the mylar is signed and recorded.
4. That a road construction security, inspection agreement and indemnification agreement be completed with the Town of Hampton Falls before the mylar is signed and recorded.
5. That draft deeds for the newly created lots be submitted for the Planning Board file *and* that that Planning Board counsel, prior to the mylar being signed, approve the final language of all the easements and advise the cost of review and recording. All easements are to be recorded in the applicable deeds.
6. That monumentation be bonded, set and certified with a Certificate of Monumentation submitted for the Planning Board file.

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7. 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 be determined.
8. That no lots are to be advertised or sold before the mylar is signed and recorded. When and if this approved project changes ownership, the new owner is required to appear before the Planning Board to review the approved plan so as to have a complete understanding of it.
9. That the mylar include a note requiring that street numbers for new houses be assigned by the appropriate town official of the Town of Hampton Falls.
10. That no structure of any kind to include, but not be limited to, fences, walls, sprinkler heads or entrance facades (except underground utilities and drainage) be placed in the fifty-foot Town 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.
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 driveway culverts and headwalls be constructed in accordance with the approved plan. A note of this requirement is to be part of the recordable plan.
14. 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.
15. That no building permits be issued until the mylar is signed.
16. 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.
17. 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 construction security. This provision shall be included in the road construction security and inspection agreement.
18. 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 Kensington Road of construction in progress. This shall be coordinated with the Hampton Falls Police Department.
19. That the applicant install street signs, painted white stop bars and double yellow lines for the distance of 200 feet along the new roadway. Installation shall be coordinated with the Hampton Falls Road Agent.
20. That a CAD file and proper number of plans, to include an 11" x 17" copy, be submitted in compliance with Subdivision Regulation Section 6.1.4.
21. That the wetland buffer be defined with monumentation consisting of metal placards placed on trees.
22. That well heads be field located by survey to provide a buffer sufficient to prevent any encroachment into the wetland buffer and that all wetland buffer protection be in place when drilling wells. The Building Inspector is required to be notified prior to drilling.

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23. That the amount of area on each lot between the buildings and the wetland buffer be spelled out within the association documents and where the distance is insufficient to allow the placement of structures such as a deck, pool or shed, that this distance be noted in **bold** print or otherwise noted to be easily seen, and that no removal of trees in the wetland buffer also be so noted in the association documents.
24. Association documents are to be reviewed by Planning Board counsel before the mylar is signed and recorded.
25. That stone check dams be removed before final inspection and acceptance of the roadway.
26. That stumps be taken off site.
27. That stones from the stone wall be maintained on site on the easterly lot line of Lots 5 and 7 and on the existing stone wall along Route 84/Kensington Road.
28. That heavy equipment start up operation during road construction take place between the hours of 7 a.m. and 6 p.m. weekdays, 8 a.m. to Noon Saturdays, with no work on Sundays.
29. That a note be added to the plan in accordance with Jones and Beach Engineers' review comment of 8/20/07, #2 Drainage Calculations.

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

A. Tonry provided C. Smith with a copy of a marked up plan of typos and a Subdivision booklet was provided to the applicant as a guide to completing the conditions of approval. R. Spoerry resumed his seat as an Alternate and J. Shaw took his seat on the Board.

E. REVIEW AND APPROVAL OF PREVIOUS MEETING MINUTES

C. Brown noted that one member's name was included as present as well as not present.

MOTION: To approve the minutes of the July 24 meeting as amended.

**MOTION: R. MCDERMOTT
SECOND: A. TONRY
6 IN FAVOR, 1 ABSTENTION, PASSES**

F. OTHER BUSINESS

1. Committee Reports

Ordinance and Regulations Review Committee minutes of June 25, 2007 and August 8, 2007 were provided to the Board. *Road Committee* minutes of August 14 were provided to the Board. Explanation with regard to item two, Brimmer Lane, was provided concerning the handling of subdivisions versus private road subdivisions. B. Mutrie asked if the Ordinance and Regulations Review Committee will be addressing item four, Review of Revised Subdivisions Regulations. M. Garavaglia noted that the Road Committee has been working with B. Jones on current regulations that need updating.

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2. Joint Meeting of Selectmen, Planning Board, Zoning Board, Conservation Commission

Board members were reminded of the upcoming joint meeting scheduled for Monday, September 10, 6:30 p.m.

3. Proposed Amendment – Accessory Dwelling Unit

The Board received a revised draft of a proposed amendment to the Accessory Dwelling Unit ordinance labeled “Revised after August 8th, 2007.” During lengthy review and discussion, a number of concerns and suggestions were noted. Of specific concern was 1) the lack of a definition of Accessory Dwelling Unit, 2) the phrase “gross square foot living area” used to determine the living area of the accessory dwelling unit, 3) the proposal to allow a second residence on one lot of record as Hampton Falls’ zoning ordinances prohibit this and that the intent of the accessory dwelling unit is to allow an in-law type of apartment and 4) the proposal of allowing two bedrooms as part of the accessory dwelling unit.

The Board suggested the proposed amendment go back for one more review and agreed to the following:

- Remove the words “detached” and “or newly constructed on the lot,” from the definition and other sections.
- Change the phrase “gross square foot living area” to “assessed gross area.”
- Change “two (2) bedrooms” to “one bedroom.”
- Leave 1,200 square feet as maximum gross living area of the accessory dwelling unit.
- Revise Section 3.1.13.5 to indicate no parking is allowed on the street.

T. Tocci expressed thanks to the committee members for their time and efforts in this regard. D. Smith will make revisions, provide another draft for review at the Planning Board’s next meeting. If the draft is found acceptable, it will then be forwarded to counsel for review and ultimate public hearing.

4. Fall Planning and Zoning Conference – Saturday, October 13, 2007

C. Brown reminded Board members to provide registration forms to L. Ruest as soon as possible in order to make arrangements for registration.

5. Platinum Storage Facility – Map 8, Lot 56 – Bond Reduction Recommendation

A letter dated August 2, 2007 has been received from Jones and Beach Engineers indicating recommendation to reduce the bond for this project based on work completed. The amount of the reduction is \$9,666 leaving a retainage of \$12,226. Following review, it was determined that all but the landscaping has been completed. K. Kelley stated that the landscaping will probably not be done until spring. C. Brown requested that the landscaping plan be reviewed by K. Kelley to ensure it is completed according to approval.

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MOTION: To approve the bond reduction for Platinum Storage in the amount of \$9,666 as recommended by Jones and Beach Engineers.

MOTION: L. SMITH
SECOND: R. MCDERMOTT
UNANIMOUS

G. COMMUNICATIONS TO BOARD MEMBERS

- Letter of Decision Case #07-06-02 – Jane Jensen, Trustee
- VIP Tours of Great Bay Estuary sponsored by NH Estuaries Project
- The Source Summer 2007

T. Tocci inquired as to the status of Pelton Farms. K. Kelley reported that it is not completed and that active construction continues. Certificates of Occupancy are not being issued as a result of outstanding issues.

J. Shaw inquired as to the sign ordinance citing numerous signs throughout Town. It was noted that enforcement is a Selectmen's matter. T. Tocci stated he would bring concerns to the Board of Selectmen.

H. ADJOURNMENT

MOTION: To adjourn the meeting at 9:04 p.m.

MOTION: R. MCDERMOTT
SECOND: A. TONRY
UNANIMOUS