

PUBLIC HEARING AND BUSINESS MEETING

- A. CALL TO ORDER:** C. Brown called the meeting to order at 7:02 p.m.
- B. ROLL CALL:** C. Brown, Chairperson; L. Smith, Vice Chairperson;
R. McDermott, D. Mitchell, B. Mutrie, A. Tonry, Members;
T. Tocci, Selectmen's Representative; M. Garavaglia, Alternate
Member; D. West, Circuit Rider Planner; Lori Ruest, Secretary

C. PUBLIC HEARINGS

- 1.** To adopt a new **Site Plan Review Regulation** to add **Section 6.2.27**, allowing the Planning Board to require architectural drawings and material schedules to be submitted with site plan within the Business District. Full text is available at the Town Hall.

C. Brown opened the public hearing and read the proposed wording. She asked for comments or questions from the Board. Hearing none, she opened discussion to the public. There were no members of the public present. She closed the public hearing.

MOTION: To adopt a new **Site Plan Review Regulation** adding **Section 6.2.27**, to allow the Planning Board to require architectural drawings and material schedules be submitted with site plan within the Business District.

MOTION: L. SMITH
SECOND: R. MCDERMOTT
UNANIMOUS

A certification document will be prepared for signature of the Board and ultimate submittal to the Town Clerk and State of NH Office of Energy and Planning. The Rockingham Planning Commission is responsible for amending the ordinance and submitting the revised pages to the Town.

- 2.** To amend **Appendix II, Schedule of Fees** in the Subdivision Regulations. Section 1.6 would be changed from \$35 plus Registry of Deeds Fee to \$50 plus Registry of Deeds Fee. Full text is available at the Town Hall.

C. Brown opened the public hearing and read the proposed wording. She asked for comments or questions from the Board. B. Mutrie questioned whether information could be mailed to the Registry rather than hand-carried. The answer was yes but that documents hand-registered assure filing of documents as approved. The Board also noted that the appendix as printed needs adjustment to the formatting. Discussion was then opened to the public. There was no comment. C. Brown closed the public hearing.

MOTION: To adopt the amendment to **Appendix II, Schedule of Fees** in the Subdivision Regulations; changing Section 1.6 from \$35 plus Registry of Deeds Fee to \$50 plus Registry of Deeds Fee.

MOTION: T. TOCCI
SECOND: L. SMITH
UNANIMOUS

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A certification document will be prepared for signature of the Board and ultimate submittal to the Town Clerk and State of NH Office of Energy and Planning. The Rockingham Planning Commission is responsible for amending the ordinance and submitting the revised pages to the Town.

- 3. Case #06-06-01:** Application from **Millenium Engineering, Inc.** (David Chareth, Owner) for Final Public Hearing for subdivision resulting in three lots at property located at 186 Drinkwater Road (Map 4, Lot 11). This application includes request for Scenic Road Alteration Permit and Wetlands Special Use Permit. Expedited review and waiver(s) requested.

David and Brad Chareth were present. No abutters or members of the public were present. Revised plans were provided to the Board members and displayed. B. Chareth reported that final approval has been received from Jones and Beach Engineers and that action has been taken on waiver, special use permit and scenic road alteration permit requests. The under drain detail has been revised per Jones and Beach Engineers' request (See Sheet 7 of 9, #3). Granted waivers have been noted on Sheet 1.

It was suggested to include a condition of approval to address the inspection of the placement of the utility pole. A revised cost estimate is needed to include the items listed in Jones and Beach Engineers' letter of September 18, 2006. B. Chareth noted that the gravel currently on site can be used for this project.

C. Brown reviewed the Fire Chief's review comments with regard to the need for final sign off by the Fire Department. A copy of the Fire Chief's review comments will be forwarded to B. Chareth. The information as part of this document is to be included in the deed for each property. This matter will be addressed as part of the conditional approval.

MOTION: To approve the subdivision of map 4, lot 11, into a total of three (3) lots in accordance with the plan by Millenium Engineering, dated 5/16/06, revision 2, dated 9/7/06, 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 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, that monumentation be bonded, set and certified with a Certificate of Monumentation submitted for the Planning Board file and 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 and that a road construction security, inspection agreement and indemnification agreement be completed with the Town of Hampton Falls, to include review by Planning Board counsel, before the mylar is signed and recorded.
4. That draft deeds for the newly created lots be submitted for the Planning Board file *and* that Planning Board counsel, prior to the mylar being signed, approve the final language of all the

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- easements at the applicant's expense and advise the cost of review and recording. All easements are to be recorded in the applicable deeds.
5. 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.
 6. That no lots are to be advertised or sold before the mylar is signed and recorded.
 7. 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.
 8. 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.
 9. That no structure or fixtures (i.e., irrigation system, driveway pavers, fencing, markers, boulders, etc.) of any kind, except underground utilities and drainage, be placed in the 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 Town right-of-way.
 10. That utility boxes be placed as far as practical from the asphalt road surface.
 11. 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 and that no items such as, but not limited to, fences, walls, sprinkler heads or entrance facades be built in the Town's right-of-way.
 12. 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.
 13. That driveway culverts be constructed in accordance with the approved plan.
 14. That no building permits be issued until the mylar is signed and 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. Guidelines are in place for the proper location of mailbox posts (copy can be obtained from the Building Inspector's office).
 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 a CAD file and proper number of plans, to include an 11" x 17" copy, be submitted in accordance with Subdivision Regulation Section 6.1.4.
 17. That the Town Engineers are to have oversight on the placement of the utility pole.
 18. That roadway construction shall be limited between 7 am and 4 pm, seven days per week.
 19. That a set of professional engineered sprinkler system drawings will be approved/stamped by a Fire Protection Engineer and submitted to the Fire Department for approval prior to the start of installation.
 20. That annual testing and maintenance of this system will become the responsibility of the owner of the property (NPFA 13D, 2003 ed., A.4.2.1) and said testing and maintenance will be clearly defined in the deed to the property.

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21. That the existing house, Lot 1, be exempted from the sprinkler system requirement.

**MOTION: L. SMITH
SECOND: A. TONRY
UNANIMOUS**

D. REVIEW AND APPROVAL OF PREVIOUS MEETING MINUTES

T. Tocci clarified the first sentence of the last paragraph of page four to read “The Board continued with #6 of *Millenium Engineering’s 7/25/06 response to Jones and Beach Engineers’ comments*, skipping numbers 3, 4, and 5.”

The names of members who made the first motion on page 8 were filled in as “**MOTION: A. TONRY, SECOND: L. SMITH.**”

Minor grammatical changes were provided and will also be made.

MOTION: To approve the minutes of the August 22 meeting as amended.

**MOTION: L. SMITH
SECOND: R. MCDERMOTT
6 IN FAVOR, 1 ABSTENTION, PASSES**

E. OTHER BUSINESS

1. Committee Reports:

CIP Committee met on September 12 and September 19 with Department Heads with regard to requests for capital projects.

Road Committee met on September 11, 2006 (minutes provided).

Ordinance and Regulations Review Committee minutes of August 21, September 6 and September 18 were provided to the Board. C. Brown commended the members of this committee on the number of hours they are contributing.

2. Proposed Zoning Change – Article III, Section 11.4.5 - Affordable Housing

A revised draft of this proposed zoning change (updated from the one that was provided in the mailing packets) was distributed to Board members in advance of this meeting. The revisions relate to input provided to the Committee by Ben Frost of the New Hampshire Housing Finance Authority. The draft ordinance is based on a model obtained from the Town of Exeter.

C. Brown allowed time for the members to review this draft and requested comments or questions. Questions raised by Board members related to owner-occupancy, affordable term, definitions, calculations, etc. The Board agreed to change the affordable term from 30 years to “in perpetuity” and to keep the definitions within the text of this ordinance.

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M. Garavaglia added that a 19-page inclusionary zoning ordinance was provided by B. Frost for consideration. Question has been raised by him as to whether Hampton Falls will have a workforce housing ordinance available for 2007. There are administrative issues to consider as someone has to oversee and be responsible for prices of future sales. The NH Housing Finance Authority would be willing to take on the job on the condition the Town adopt their criteria for affordability.

Suggestion was made to forward this draft ordinance to counsel for review along with a list of unanswered questions the Committee might have.

MOTION: To forward this draft ordinance to Planning Board counsel for review and comment along with the minutes of this meeting.

MOTION: T. TOCCI
SECOND: R. MCDERMOTT
UNANIMOUS

3. Draft Ordinance – Aquifer Protection District (Article III, Section 13)

D. West provided a water resources map of the Hampton Falls’ area showing the parcels within this district for review in conjunction with the draft ordinance. The draft is based on a Town of Fremont ordinance. Suggestion was made to include the matter of “Best Management Practices” to Section 5. Permitted Uses, letter g. B. Mutrie will revise the document for forwarding to Planning Board counsel with a copy of the map.

MOTION: To forward this draft ordinance to Planning Board counsel for review and input.

MOTION: L. SMITH
SECOND: D. MITCHELL
UNANIMOUS

4. OEP Fall Planning and Zoning Conference – Saturday, October 28, 2006

Registration information was provided to Board members.

F. COMMUNICATIONS TO BOARD MEMBERS

Follow up letters

- Case #06-08-01 Lusid Development, Lot Line Adjustment Approval
- Board of Selectmen, request for code compliance Map 8, Lots 59 & 60-1
- Case #05-08-02, Louis Terramagra, Conditional Approval Lapsed
- Jones & Beach Engineers, Request for Direction on Curbing

Other Correspondence

- Jones & Beach Letter of 9/18/06, Cock Hill III Realty Trust Subdivision, Request for Revised Cost Estimate
- Thank you letter from T. Tocci for attending the monthly meeting of the Rockingham Planning Commission

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- News Release – State of NH, Department of Transportation, State Study of The Taylor River in Hampton and Hampton Falls
- Gulf of Maine Times, Volume 10, Number 3
- Rockingham Planning Commission request for dues

Building Inspector: T. Tocci announced the hiring of Kevin Kelley as new Building Inspector for the Town of Hampton Falls effective October 5, 2006.

G. ADJOURNMENT

MOTION: To adjourn the meeting at 9:10 p.m.

MOTION: R. MCDERMOTT

SECOND: A. TONRY

UNANIMOUS

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