

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

**C. CAPITAL IMPROVEMENT PROGRAM COMMITTEE – Annual Report**

CIP Chairman Maurice Caruso referred the Board to the proposed capital improvement program for 2008-2013 as outlined in a spreadsheet. A copy of a document outlining an overview and description of proposed projects was also provided. M. Caruso reviewed the definition of a capital improvement as a major expenditure (gross cost of more than \$5,000, with a useful life of three years and/or a requirement for financing) for public facilities beyond the scope of normal annual operation expenses.

M. Caruso reported that the Committee met with each entity and incorporated information provided into the spreadsheet. He reviewed the spreadsheet department by department, line by line. An email has been received from the Lincoln Akerman School Board Chairman indicating that the request for modular classrooms is withdrawn and that the plan is to now request \$300,000 for Facility Design & Engineering in 2008 and \$14,000,000 for Facility Construction in 2009. It was indicated that this change will be made to the spreadsheet even though the Committee has not had a chance to consider, rate or categorize the request.

**MOTION:** To accept the Capital Improvement Program report as amended and forward it to the Board of Selectmen for its action.

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

**D. PUBLIC HEARINGS**

1. Amend Section 8, Wetlands Conservation District of the Town of Hampton Falls Zoning Ordinance, to include 8.2.4 Prime Wetlands, which the Town has delineated as a special classification of wetlands in accordance with State statutes authorizing such designation. The Prime Wetland maps and report are on file at the Hampton Falls Town Offices.

C. Brown opened the public hearing reading the proposed ordinance as presented for consideration to the Planning Board 11/27/07. Hearing no questions of the Board, discussion and presentation was opened to the public. Conservation Commission Chair Karen Ayers reported that this warrant article is requested by the Conservation Commission. She introduced Mark West of West Environmental who provided a presentation of information supporting the warrant article for prime wetland designation in Hampton Falls. It was noted that the study

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conducted by M. West was based on a joint study done by Gove Environmental Services on behalf of Hampton and Hampton Falls 2003-2006.

M. West conducted a presentation explaining how prime wetlands are determined, values and functions, mapping and identifying the most important wetlands, the affect on land and the town, and assistance from the Department of Environmental Services to provide a better level of protection to prime wetlands. Wetland areas proposed for protection are 40 acres or more and are associated with rivers and salt marshes.

John Delaire of Nason Road expressed concern with an onerous process to obtain permits to do work on property. M. West noted that if the property meets current regulations, it will meet prime wetlands regulations. M. West provided an example of constructing a road across Grapevine Run. This would need relief from the Town and a developer would also need to apply to the State for permit, meeting criteria. A. Dittami, Fieldstone Lane, expressed concern that applying to the State might take away from the determination made by the Town land use boards. Charles Graham of Crank Road expressed concern with the additional State level of review that requires wetland evaluation to include engineering and design work above and beyond the local regulations. Although he understood the process allows for a greater level of protection, he noted concern with greater restrictions that apply to property owners. C. Graham questioned why an additional wetland buffer area is needed and questioned whether this has been tested in court. David Dalton of Kensington Road spoke in favor of an additional layer of protection on the condition that it provides protection from development. He stated that he feels the reasons he moved to Hampton Falls (beauty, value, and peacefulness) have been taken away by subdivision recently. David French, Exeter and Nason Roads, reported that he has a vernal pond on his property. M. West informed him that vernal pools are considered an important wetland habitat.

K. Ayers noted that the Hardy Lane subdivision met regulations and was therefore approved. She stated that the Prime Wetlands designation might help with matters that appear before the ZBA as it provides an extra layer of protection. The assistance from the State will also be helpful to the Town in these instances. She further noted that the Conservation Commission is looking to propose a new set of regulations for wetlands where functions and values are determined. In some instances, this might allow for a lesser or greater buffer to wetland.

C. Graham stated concern with the adoption of this ordinance in that the Town would be turning its regulations over to the State as the State may amend the rules from time to time. L. Smith noted that wetland areas are valuable in different ways and that it is important to protect the resource as once it's gone, it's gone.

Hearing no further comments or questions, C. Brown closed the public hearing.

**MOTION:** To accept the amendment as presented and forward it to the Board of Selectmen for inclusion on the Town Warrant for 2008.

**MOTION:** L. SMITH

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**SECOND: R. MCDERMOTT**  
**5 IN FAVOR, 2 ABSTENTIONS, PASSES**

2. Amend the wording in Subdivision Regulation 7.3 Monumentation Requirements that will specify the placement, arrangement, and type of monuments to be installed within a new development.

C. Brown opened the public hearing by reading the changes made to the last time read at the public hearing October 23. Discussion was opened to members of the Board. Hearing none, discussion was opened to members of the public. No comments or questions were heard.

**MOTION:** To approve the amendment to Subdivision Regulation 7.3 Monumentation Requirements labeled as presented for reconsideration at the Planning Board Public Hearing 11/27/07.

**MOTION: T. TOCCI**  
**SECOND: L. SMITH**  
**UNANIMOUS**

C. Brown kept the public hearing open for the following amendments.

3. Amend Subdivision Regulation 8.1 Street Design and Construction Specifications specifically provision 8.1.2 which describes the right-of-way for Town roads, its intended purpose and structure which are not permitted in this area.

C. Brown opened this public hearing reading the proposed *revised* amendment brought forward from the October 23 meeting. Discussion was opened to members of the Board. B. Mutrie inquired as to stone walls with regard to existing and new. Hearing no further comments from the public or Board, the following motion was made.

**MOTION:** To approve the amendment to Subdivision Regulation 8.1 Street Design and Construction Specifications, specifically 8.1.2, labeled as presented for reconsideration at the Planning Board Public Hearing 11/27/07.

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

4. Amend Subdivision Regulation 8.3 Inspections to incorporate grammatical corrections and supplemental information to be placed/replaced within the regulation provision.

C. Brown opened this public hearing reading the proposed amendment. Following indication to remove a comma, the following motion was made. No other comments or questions were heard.

**MOTION:** To approve the amendment to Subdivision Regulation 8.3 Inspections labeled as presented for consideration at the Planning Board public hearing 11/27/07.

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

5. Amend **Article III, Section 3.1.13, Accessory Housing Units** as follows:

Change Section 3.1.13 titled "Accessory Housing Unit" to "Accessory Dwelling Unit," incorporate a definition of Accessory Dwelling Unit, change the maximum permitted size of an Accessory Dwelling Unit in that it shall not exceed a maximum assessed gross area of 1,200 sq. ft, or 1/3 of the primary dwelling unit. The accessory dwelling unit shall not contain more than one (1) bedroom. The amended ordinance also provides information on the permitted location of entry ways, and specifies that the Accessory Dwelling Unit can be attached or incorporated within an existing single family residential dwelling unit. The amended ordinance also indicates that an existing accessory use building (e.g. garage or barn) may be permitted to incorporate an Accessory Dwelling Unit provided that it adheres to the amended ordinance as well as any and all pertinent Building Codes, Ordinances and Regulations of the Town of Hampton Falls.

C. Brown opened the public hearing noting that response has been received from review of Planning Board counsel. A copy of the proposed amendment, with mark-ups, was reviewed by the Board. Question was raised as to whether it was agreed that the changes are minor and do not change the intent of the proposed amendment. Following discussion, it was decided to re-notice and bring this amendment to the December 18 meeting for consideration.

Jay Lord, Brimmer Lane, inquired as to the proposed size of 1,200 square feet and one bedroom. Explanation of how the size and bedroom limitation was arrived at was explained noting the ways in which it affects the septic system.

**MOTION:** To approve the amendment as revised by counsel to clarify the regulations as written after October 23, 2007 and read this evening.

**MOTION:** L. SMITH

This motion was withdrawn and decision made to bring the matter to the December 18 meeting.

It was reported that the amendment to the Building Code reviewed at the October 23 meeting will also be brought forward to the December 18 meeting. It was an oversight that it was not ready for this meeting.

C. Brown closed the public hearing on amendments. All approved amendments will be certified for filing with the Town Clerk and Office of Energy and Planning.

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

**MOTION:** To approve the minutes of the October 23 meeting as written.

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**MOTION: T. TOCCI**  
**SECOND: R. MCDERMOTT**  
**6 IN FAVOR, 1 ABSTENTION, PASSES**

**F. OTHER BUSINESS**

1. Committee Reports: No committee reports were reviewed at this time.
2. Certificates of Adoption: Board members signed certificates of adoption for the following amendments approved at the October 23 meeting.  
  
3.6 Private Road Subdivision Ordinances in "A District"  
Subdivision Regulation Section 4.2 Definitions  
Subdivision Regulation 7.3 Monumentation Requirements  
Subdivision Regulation 7.4 Construction and Maintenance Security  
Subdivision Regulation 8.2 Roadway Specifications  
Subdivision Regulation 8.4 Sidewalks
3. 07-08 Zoning Ordinance Amendment Schedule was provided to Board members.
4. 2008 Planning Board and ZBA Application Deadline Schedule

**MOTION:** To approve the schedule for 2008 as presented.

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

5. Application for Minimum Impact Agricultural Projects – Robinson, Map 5, Lot 3: Full copy of this application is on file with the Town. This application is seeking approval to correct existing drainage swales.

**G. COMMUNICATIONS TO BOARD MEMBERS**

- Town Holiday Social Invitation
- Tuck Realty subdivision decision letter (Case 07-06-03)
- Plan NH -- Design Assistance for NH Projects
- News Article (T. Tocci) entitled "Subdivision Bans Convicted Offenders"
- UNH Survey Requests – NH Estuaries Project

R. McDermott reported on a conference he attend at UNH regarding storm water management programs and indicated he has documentation should anyone wish to borrow it. T. Tocci reported on the Rockingham Planning Commission legislative forum noting it was a success and is held annually. All are welcome to attend.

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C. Brown reported she met with the Historical Society and appeared before the Selectmen to request a warrant article for creation of a Heritage Commission. Favorable responses were received.

**H. ADJOURNMENT**

**MOTION:** To adjourn the meeting at 9:20 p.m.

**MOTION:** A. TONRY  
**SECOND:** R. MCDERMOTT  
**UNANIMOUS**

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