

**PUBLIC HEARING AND BUSINESS MEETING**

- A. CALL TO ORDER – 7:00 PM:** C. Brown called the meeting to order.
- B. ROLL CALL:** C. Brown, Chairperson; L. Smith, Vice Chairperson; B Mutrie, C. Gordon, A. Tonry, Members; S. Volpone, Jr., Selectmen’s Representative; D. West, Circuit Rider Planner; T. Pare, Building Inspector, Lori Ruest, Secretary  
**NOT PRESENT:** D. Mitchell, Member; M. Garavaglia, R. McDermott, Alternate Members

Six voting members were present for this meeting.

- C. PRELIMINARY CONSULTATION:** David Chareth, Map 4, Lot 11, Subdivision

Henry Boyd of Millenium Engineering and Brad Chareth were present. H. Boyd displayed a plan and referred the Board to a prior preliminary consultation of February 22, 2005. The plan is for subdivision of a 19.5 acre parcel into three lots, one that is the existing house. At this time, the applicant is looking to see if the Board would consider a waiver request to the 125’ subdivision regulation requirement. The parcel is a lot of record with 155’ frontage. A portion of this frontage would become the new road leaving an area of 105 feet. Otherwise, the project meets regulations. Test pits have yet to be proven but it is felt that there will be good results.

Discussion of different aspects of the plan to include wetlands, driveways and cul de sac took place. A. Tonry once again suggested a private road subdivision. The parcel does not meet the 250’ frontage requirement needed for a private road subdivision. Suggestion was made that the applicant seek relief from the ZBA and the applicant indicated he would do so.

**D. PUBLIC HEARINGS**

- 1. The Town of Hampton Falls Planning Board** will hold a Public Hearing to amend Section 7.13 of the Building Code of the Town of Hampton Falls. Amendments include: reducing the required Septic Reserve Area from 20,000 contiguous square feet to 5,000 contiguous square feet; reducing the minimum depth of natural soil to bedrock from six (6) feet to four (4) feet; to require non single-family residential septic systems to have a Septic Reserve Area of 5,000 contiguous square feet or twice the required disposal area, which ever is larger; and, modifying the exceptions given to failed septic systems on undersized lots. The amendments also consolidate subsections of 7.13 into more concise statements. Other minor changes are available for review in the full text of the proposed Building Code changes at the Town Hall.

C. Brown opened the public hearing and reported that handouts of the wording of this amendment were available to the public. She requested approval of not reading the entire text aloud. There were no objections. C. Brown noted that should this amendment be approved tonight, it will be forwarded to the Board of Selectmen for inclusion on the March 2007 warrant.

L. Smith provided some background as to the reasoning for this amendment noting that M. Cuomo (former soil scientist of the Town) appeared before the Board and provided scientific information and support for reducing the 20,000 square foot reserve area to 5,000 square feet.

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Discussion was opened to members of the public. Tracy Beattie, Drinkwater Road, inquired as to the membership of the committee and its review process that brought forth this amendment. The members of the Regulations and Ordinance Committee were identified and information was provided as to research and review of the matter with former Building Inspector Rod Vigneau and former Hampton Falls Wetland Soil Scientist Mike Cuomo. It was noted that other regulations and requirements remain the same (lot size, frontage, wetlands buffer, depth to high water table, etc.). New technologies allow for less area requirements than other systems in place throughout town. The 20,000 square foot requirement was good protection for Hampton Falls; however, new technology assists with protection. Reduced septic reserve area might allow for different placement of buildings on a parcel.

David Gandt, Sanborn Road, stated that he felt the reduction might be premature and inquired as to the new technology, how long it has been around and used in Hampton Falls; specifically, whether it has proven to be adequate. Engineers present at this meeting shared their experiences of new systems and identified various protections that are in place as part of state and local regulations.

Dr. Timothy Antaya, Brimmer Lane, stated he hasn't heard any quantitative data to support this amendment and asked for public documents or studies relating to this issue that would support the change. L. Smith reported that the Committee and Board relied upon the Wetland Soil Scientist for this information and referred to Section 7.132 of the Building Code which cites the most recent edition of the manual of "Septic Tank System of Sewage Disposal" and the "Guide for the Design Operation and Maintenance for small sewage Disposal Systems" published by the NH Water Supply and Pollution Control Commission and requires that criterion be met as part of approval in Hampton Falls.

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

**MOTION:** To accept the amendment to Building Code Section 7.13 as presented and forward it to the Board of Selectmen for inclusion on the March 2007 town meeting warrant.

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

- 2. Case 05-10-03:** Application from **Strategic Capital** for Harold and Doris Tanner for a Final Public Hearing for a Subdivision resulting in 5 Lots and Wetlands Special Use Permit. (Exeter Road, Map 4, Lot 40)

Written request has been received from Henry Boyd of Millenium Engineering to continue this matter to the Board's March meeting. This will allow the engineer time to incorporate the most recent review comments from Jones and Beach Engineers onto the plans.

**MOTION:** To approve the request to continue this matter to the Board's March 28 meeting.

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

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**UNANIMOUS**

C. Brown requested that H. Boyd take advantage of this extra time and that all issues between the reviewing engineer and Millenium Engineering be resolved prior to the next meeting. She also noted that Jones and Beach Engineers are still commenting on wells in the buffer. H. Boyd will make sure they are moved out of this area on final plans.

3. **Case 05-10-04:** Application from **Cock Hill III Realty Trust** for a Final Public Hearing for a Subdivision Creating 5 Lots. (Drinkwater Road, Map 4, Lot 53)  
**Case 05-11-02:** Application from **Millenium Engineering Inc.** for a Final Public Hearing for a Scenic Road Alteration Permit (Remove 1 tree, and a section of stone wall along Drinkwater Road. (28.5') and rebuild stone wall outside of right of way. Map 4, Lot 53)  
**Case 05-12-01:** Application from **Millenium Engineering Inc.** for a Wetlands Special Use Permit. (Drinkwater Road, Map 4 lot 53)

Written request has been received from Henry Boyd of Millenium Engineering to continue this matter to the Board's March meeting. This will allow the engineer time to incorporate the most recent review comments from Jones and Beach Engineers onto the plans.

**MOTION:** To approve the request to continue this matter to the Board's March 28 meeting.

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

Steve Oles of AMES-MSA requested that H. Boyd of Millenium Engineering be allowed to address Case #06-01-02/Mary Weaver in advance of the Applecrest matter. No objections to take this item out of order were heard.

5. **Case 06-01-02:** Application from **Mary Weaver** for Final Public Hearing for a private road subdivision creating two lots (Brimmer Ln., (Map 7, Lot 60-3). Expedited review is requested. Waivers requested.

H. Boyd of Millenium Engineering was present. Mary Weaver was not.

The Board expressed its concern with the request for waiver to the 125' subdivision regulation requirement noting that it was put in place to prevent lot configurations such as this proposal.

H. Boyd distributed plans different from those submitted with the application. He also distributed an 11" x 17" plan with a different configuration meeting all town regulations. Referring to the large plan set, he noted that the parcel is 6.3 acres and fronts on Brimmer Lane, with the Hampton Falls River at the rear. There are two structures on the parcel with an existing driveway. The new lot consists of two acres of upland. Test pits have been done and the 5K/15K area is shown. The high tide line and wetland line are one in the same. Plans are to leave the tree lines. H. Boyd stated he feels the proposal creates the least impact to any other scenario of creating a separate lot.

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C. Brown restated that the 125' subdivision requirement was put in place for a number of reasons to include preventing odd-shaped lots and allowing homeowners to easily identify lot lines. H. Boyd presented the alternative plan (11"x17") noting that it meets regulations and requires 550' of new roadway. The garage would need to be removed. The Board was not in favor of this option.

In response to Board members opposition to lots with less than 125' areas, options were considered to eliminate the need for the waiver. Following discussion, the Board requested the engineer bring a plan to the March meeting that does not require waivers. Jurisdiction of the application and plan was not accepted.

4. **Case 06-01-01:** Application from **Applecrest Farm Orchards, Inc.** for Final Public Hearing for a subdivision creating two lots (Exeter Rd., Map 5 Lot 14). Expedited review is requested.

Steve Oles of AMES-MSA was present. He informed the Board that he was able to answer Jones and Beach Engineers' most recent review comments and requested the Board give consideration to his responses and revised plans. The Board approved.

He distributed revised plan sets as well as a color highlighted 11" x 17" plan (light green represents the area of fields and the dark green represents the wooded areas). The bold dashed lines show the high intensity soil lines (HISS mapping legend is on the plan). He also provided a certificate of monumentation and photos showing the staked area of the fronts of the lots for the purposes of Scenic Road Alteration Permit.

Referring to Jones and Beach Engineers' review letter dated February 17, 2006, S. Oles responded to comments as follows:

1. Waiver is requested to Section 6.2.2 to allow the plan at a greater scale. A written request for this waiver was presented to the Chair.
2. The note in question has been removed. It related to the balance of the parcel which is part of a conservation easement.
3. Following discussion, it was agreed to record Sheets 1 and 2. Reference to the recording of the conservation easement is shown on Sheet 2.
4. Following discussion, it was agreed to remove note 7 and leave "gravel access road" on the plan.
5. S. Oles explained that this comment relates to an equipment problem at the office. The line in question has been removed.
6. The Board requested that the note indicating driveway culverts are required for both lots be moved to be shown in between both lots to avoid question as to whether it applies to one or both lots.
7. S. Oles reported that monumentation has been set and a Certificate has been provided this evening. Following review, the Board requested that the Certificate reference the monumentation of the new lots being created. The original, with proper assigned lot numbers, is needed for Chairman signature.

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8. Conservation easement language has already been reviewed by counsel and recorded separately from this application.
9. Lengthy discussion took place with respect to proposed driveway locations, site distances and need to remove brush and trees. Jones and Beach Engineers made recommendations and the Highway Safety Committee made recommendations. The Board shared its experiences regarding this location and safety concerns. Highway Safety Committee Chairman J. Lord reviewed the findings of the Committee's on-site inspection and recommended a common driveway shared by the two parcels.

S. Oles stated he re-flagged the driveway locations based on Jones and Beach Engineers' comments and added that he used ASHTO rules to determine site distances. Following discussion, the Board requested that the Highway Safety Committee re-look at the area given the new flagging and that the engineer consider the recommendation of a common driveway allowing for one access with lesser disturbance, better line of site, accessibility by a fire truck and less cuts along Brown Road. S. Oles stated he would place new stakes per this discussion by March 3.

The Board addressed waiver requests at this time.

**MOTION:** To grant the request for waiver to Section 6.2.2, allowing a plan at a greater scale than 1" – 100' as recommended by Jones and Beach Engineers.

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

**MOTION:** To grant a waiver to Section 6.2.9 that requires survey of the entire parcel since the portion of the four acres has already been surveyed as part of the conservation easement.

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

**MOTION:** To grant a waiver to Section 6.2.14. Utilities on the adjacent tract (Map 5, Lot 14) are not needed to be shown.

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

Review of the Circuit Rider comments took place at this time. S. Oles reported that the final mylar will include a wetland and soil scientist's stamp. The legend for HISS data is shown on Sheet 2. Waivers have been approved. The building and septic reserve envelopes for Lot 1 will need to be relocated based on the driveway location.

**MOTION:** To continue this application to the March 28 meeting.

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

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

**MOTION:** To approve the minutes of the January 24 meeting as written.

**MOTION: L. SMITH  
SECOND: A. TONRY  
5 IN FAVOR, 1 ABSTENTION, PASSES**

**F. OTHER BUSINESS**

1. Release of Swain Drive from the Construction Phase:

C. Brown referred the Board to the Road Committee minutes dated January 17, 2006. At that meeting, a motion was made to recommend that the Planning Board release Swain Drive from the construction phase on the condition that additional fees are posted for engineering review, deed to Swain Drive is received and that the shoulder work be completed no later than June 15, 2006. L. Ruest reported that the fees and deed have been received.

**MOTION:** To release Swain Drive from the construction phase on the condition that the shoulder work is completed no later than June 15, 2006.

**MOTION: L. SMITH  
SECOND: C. GORDON  
UNANIMOUS**

This information will be forwarded to the Town Administrator for consideration of the Board of Selectmen.

2. Building Inspector's Report:

No written statistics were provided for this meeting. T. A. Pare reported building inspection statistics that related to January.

3. Committee Reports:

**Road Committee:** Minutes of the January 17, 2006 were provided.

**Capital Improvement Committee:** Minutes of the January 18 and February 8 meetings were provided to the Board. A letter to the Planning Board from Ted Tocci outlining the future composition of the committee as well as anticipated business for 2006 was provided to Board members. Reorganization of the Planning Board will take place at the March 28 meeting.

**G. COMMUNICATIONS TO BOARD MEMBERS:**

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**Structures in the Wetland Buffer:** L. Smith requested the Board discuss the matter of well heads in the wetland buffer noting that structures, as defined, are prohibited from this area. He stated that he feels prohibiting well heads is restrictive. Discussion of the Board resulted in the fact that great disturbance is done when drilling a well. Depths of wells can vary from 150 feet to over 300 feet. There is a great amount of disturbance even though only the well head is visible in the end. Following discussion, the Board agreed to prohibit wells/well heads from the 100' wetland buffer.

**Spring Planning Conference:** Information regarding this year's planning conference was provided to Board members. L. Ruest requested, that if members plan to attend, they submit completed registration forms as soon as possible for faxing and payment processing.

**H. ADJOURNMENT**

**MOTION:** To adjourn the meeting at 10:00 p.m.

**MOTION:** A. TONRY  
**SECOND:** C. GORDON  
**UNANIMOUS**