

**PUBLIC HEARING AND BUSINESS MEETING**

- A. CALL TO ORDER:** Chairman Brown called the meeting to order at 7:02 p.m.
- B. ROLL CALL:** C. Brown, Chairman; L. Smith, Vice Chairperson; A. Tonry, R. McDermott, B. Mutrie, J. Shaw, Members; T. Tocci, Selectmen's Representative; M. Garavaglia, R. Spoerry, Alternate Members D. Smith, Circuit Rider Planner; K. Kelley, Building Inspector; L. Ruest, Administrative Assistant
- C. PRELIMINARY CONSULTATIONS:**

With reference to the following three preliminary consultation applications, C. Brown stated that preliminary consultations are non-binding on both parties; in these cases, the applicants and the Planning Board. Preliminary consultation discussions are an exchange of ideas and information only and do not include consideration or review of plans. No public input is received at this level of review.

- 1. Adventure Development, LLC, 2 Depot Road, Map 8, Lot 65,**  
Property Owner: Solskog, LLC, Proposal: Two 18-Hole Mini-Golf Courses With Gift Shops

Property owners, Jane Solar and Nancy Skoglund were present with their Attorney, R. Casassa. Kim Donaghy and Brian Lunt of Adventure Development, LLC were also present.

K. Donaghy displayed photos of other miniature golf courses developed by his company. He stated that he is proposing to locate two 18-hole mini-golf courses at property located on the corner of Lafayette and Depot Roads. Parking is planned to be located at the rear of the property, the former Hayloft building is planned for use as a starter house and gift shop (for sale of nautical themed merchandise) and the home on the property is planned to be moved from the site. He noted that no determination has been made with regard to how the building will be removed.

C. Brown noted that Adventure Development is not a local company and is one from Michigan. She stated that one driving through Hampton Falls would see it as a typical New England type community. She referred the applicant to Section 6.2.27 Architectural Review and stated concern of losing architectural presence; something the community strives to protect.

C. Brown also asked whether any consideration has been given to increased traffic caused by the proposed use. K. Donaghy stated he did not feel there would be any increase to the State road (Lafayette) as it is planned to pull traffic off that road to the local road (Depot). He acknowledged an increase in traffic for the first 100' of Depot Road. K. Donaghy also stated that there are 50-70 parking spaces planned for an anticipated 100 to 500 cars per day depending on the time of season as this is a seasonal business. Concern was expressed with the increased traffic as this intersection serves a number of residential neighborhoods as well as a commercial use. K. Donaghy reported that the plan is to remain open until 11 p.m. and was told that there are no businesses in Hampton Falls that remain open until that time and that Hampton Falls is not a seasonal type of Town. K. Donaghy also reported that once the business closes for the winter, there is no one on site, but staff will check the property periodically.

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In response to other questions of the Board, K. Donaghy reported on plans for lighting, reduction of sounds, possible music, septic needs, marketing research, traffic analysis, lot coverage (pervious vs. impervious), and landscaping. He also indicated that there have been no plans made for netting to prevent balls from leaving the site.

T. Tocci informed the applicant of the plan for the future widening of Lafayette Road and the need for an easement deeded to the Department of Transportation. He also indicated that a traffic study would be warranted as this is the worst intersection on Lafayette Road from Seabrook to Portsmouth. He added his concern of more problems with traffic flow. K. Donaghy stated he would be willing to consider moving the drive to Lafayette Road but that this had not been considered.

L. Smith inquired as to whether a feasibility study had been done as there are four other uses like this within six miles. K. Donaghy stated he is aware of competition. In response to A. Tonry, it was reported that the serving of food has not yet been decided. A snack shop is planned. No alcohol is planned. J. Shaw inquired as to whether there has been any study done with regard to the historic significance of the property. J. Donaghy stated he would if rules require it.

K. Donaghy asked if the proposal is a permitted use within the zone and noted that "Golf Courses" are permitted. D. Smith stated he couldn't find anything that matches the proposal and added that he does not see this use to be the same as a golf course. The Board informed the applicant that no structures are permitted within the yard setbacks.

C. Brown acknowledged receipt of numerous letters of concern from residents to the Planning Board regarding this proposal. They will be kept on file as this discussion is not a public hearing.

**2. Hampton Falls Center Realty Trust, Jane Jensen, Trustee, 83 Lafayette Road, Map 8, Lot 89, Proposed Use: Add Residential Use**

Peter and Jane Jensen were present with their builder, Tom Wasson. J. Jensen explained that she is looking to add a 2,500 square foot two-bedroom apartment to the entire third floor of 83 Lafayette Road (a professional office building) for use by herself and her husband. K. Kelley reported that he walked the property with T. Wasson and that adequate facilities are available to include septic system, parking, handicap accessibility, sprinkler and alarm system and two other means of egress. C. Brown stated that should this application come forward that parking spaces will need to be designated for the residential use. Architectural drawings will be provided. The only anticipated change is the addition of two dormers to the rear. Should the applicant choose to go forward, the Board requested a site plan showing the mixed use for consideration.

**3. Tuck Realty Corp., Kensington Road, Map 1, Lots 65 & 65-1**  
Property Owners: Sherman Brickett (1-65) and Christopher Golas (1-65-1)  
Proposal: Lot Line Adjustment and Subdivision Creating Six Lots

Sherman Brickett, Christopher Golas, Christian Smith of Beals Associates and John Krebs of Tuck Realty were present. C. Brown identified a problem with the letters of authorization for

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this application. Time was allowed to the applicant to obtain additional signatures of owners of record.

**MOTION:** To move the first public hearing for lot line adjustment forward and delay this preliminary consultation to allow time for the applicant to obtain proper signatures.

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

Tuck Realty representative, John Krebs, returned with proper signatures on the letters of authorization. C. Brown repeated that preliminary consultations are non-binding. C. Smith displayed a plan of the parcel showing its frontage on Kensington Road. (J. Shaw returned at 8:01.) C. Smith explained that the proposal for subdivision, to include a 900' road, includes the adjustment of the lot line with abutter Golas. This adjustment allows for area to create a seven lot subdivision.

C. Smith reported that all lots meet frontage requirements, range in size from two to 10 acres and that the rear of a number of lots comprises of wetlands. He added that the wetland delineation was done by West Environmental and cursory test pitting has been conducted.

The matter in question is the frontage of the lot at the end of the cul de sac. C. Smith reviewed the original boundaries of the Golas lot versus the newly created boundaries. The Golas lot will reduce to 2.08 acres from 2.8 acres. The Board requested that the engineer attempt to improve the situation with regard to the frontage concern in order to eliminate the gap as shown on the plan and to address the 125' minimum width requirement of Subdivision Regulation 7.1.6.2.

J. Krebs noted that the rear area of wetland is proposed to be offered to the Conservation Commission, deeded to individual lots or made part of an Association for the subdivision. The wetland area is not usable by regulations. In response to the question of access to the wetland area, it was stated that there is access from Drinkwater Road but that it is the existing driveway to the Brickett residence.

Proper site distances are available and the design of the road will meet bus access. The suggestion of a bus pull-off area on Kensington Road would need to be discussed with the Department of Transportation. No sidewalks are proposed.

**D. PUBLIC HEARINGS**

- 1. Case #07-05-01:** Application by **Gregory A. Binette** for a Final Public Hearing for a Lot Line Adjustment at property located at 262 and 264 Exeter Road (Map 6, Lot 50-1 & 50-2)

Greg Binette and Henry Boyd of Millenium Engineering were present. C. Brown inquired as to ownership of lots. It was reported that each lot is under single ownership. H. Boyd displayed and referred the Board to the proposal for lot line adjustment. (J. Shaw left the meeting at this

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time 7:43 p.m.) H. Boyd explained that when Mr. Binette built his home he had leftover concrete which he used to pour footings for a garage and shed not realizing he was in violation of the 50' sideline setback. H. Boyd identified the property line to be eliminated as well as the new line which will bring the structures into compliance.

C. Brown expressed concern with the proposal not meeting the 125' subdivision requirement. H. Boyd reported that 65' will result and that there is 100' to begin with. H. Boyd disagreed that the 125' subdivision requirement applies to this lot line adjustment request. H. Boyd noted that the lots will result in 8.7 acres and 10.5 acres and suggested the Board read the definition of Lot Line Adjustment. T. Tocci stated that the 125' requirement was put in place to prevent jury rigging of lots and added that the Board understands that this requirement applies to all lots. He suggested the applicant submit a waiver request. A request for waiver to subdivision regulation 7.1.6.2 was drafted and submitted to the Chairman.

**MOTION:** To grant the applicant's request for waiver to Subdivision Regulation 7.1.6.2.

**MOTION:** A. TONRY  
**SECOND:** T. TOCCI  
**UNANIMOUS**

Hearing no further questions from the Board, discussion was opened to abutters and members of the public. Hearing none, C. Brown closed the public hearing.

M. Garavaglia was designated a voting member in J. Shaw's absence.

**MOTION:** To accept the application as complete.

**MOTION:** A. TONRY  
**SECOND:** T. TOCCI  
**UNANIMOUS**

**MOTION:** To grant the waiver to Subdivision Regulation 7.1.6.2 whereas no additional lot is being created and each lot affected is in excess of eight acres.

**MOTION:** A. TONRY  
**SECOND:** T. TOCCI  
**UNANIMOUS**

It was noted for the record that the missing engineer seal will need to be part of the final plans.

**MOTION:** To approve the applicant's request for lot line adjustment to Map 6, Lot 50-1, adding .26 acres to Map 6, Lot 50-2 and decreasing Map 6, Lot 50-1 to 8.67 acres in accordance with the plan by Millenium Engineering, dated 4/18/07, 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.

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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 the granted waiver be added to the plan.

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

2. **Case #07-04-02:** Application by **Richard Davis** for a Final Public Hearing for a Site Plan on a Proposed Private Middle School at property located at 356 & 340 Exeter Road (Map 6, Lot 22)  
**Case #07-04-03:** Application by **Richard Davis** for a Final Public Hearing for a Site Plan on a Proposed Private Middle School at property located at 356 & 340 Exeter Road (Map 6, Lot 22-2)

Craig Musselman of CMA Engineers, Rich Davis, Scott Votey, Ms. Bailey, C. Graham, D. Gleason, P. Marino and David Birdsall were present. A. Tonry stepped down from the Board and M. Garavaglia was designated a voting member.

C. Musselman provided revised plans and a letter (dated May 22, 2007) outlining responses to reviews. He noted that a site walk was held May 10 that included members of the Hampton Falls and Exeter Planning Boards. The Board agreed to review the letter of responses item by item at this time.

C. Musselman reminded the Board that there are two parcels needing consideration. An emergency lane has been provided on Map 6, Lot 22-2. Overflow parking for events has been made available on this parcel as well. Property owner, D. Birdsall, acknowledged his willingness to allow these uses on Map 6, Lot 22-2 by five-year lease. D. Birdsall added that the road is wide enough to allow large tractor trailers to travel in and out and park off the travel lane. He added that there is an extension to the emergency lane area that allows a turnaround for large vehicles. Arrangements are made to keep the lane and parking area clear of snow. C. Musselman added that school personnel understand that events in the winter may have to be adjusted as it is not likely that the grass area for event parking will be plowed. D. Birdsall stated he has equipment on site to handle snow removal. D. Birdsall also acknowledged he understands the Board does not want cars parked on Route 88 and that a traffic management plan will be put in place.

Discussion took place with regard to adequate site distance on Route 88. It was requested that a large shrub on abutter Minai's property be moved back to allow better line of site. Suggestion was made to move it back far enough to allow future growth that will not affect the site distance. This matter will be worked out between Seacoast Academy and abutter Minai.

Plan is to modify the flat area south of the existing driveway to allow for better drainage. The driveway is planned to be widened to 18' (adding 5' of pavement) with one foot gravel

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shoulders. Following discussion of the existing conditions and anticipated conditions, the Board requested that the width of the driveway be resolved by the Fire Chief, Applicant Engineer, Jones and Beach Engineers and the Town of Exeter. Concern was expressed with the area in which cars can comfortably pass each other. The Board also asked the applicant to be cognizant of headlight glare to neighboring properties. The Town of Exeter is not amenable to allowing water to drain to the north. Therefore, the flat area is planned to be brought down six inches to allow for collection of more water. An option of placing a large pond would require removal of a stately tree. The new driveway is proposed to crown so that water flows to the grass over a gravel shoulder on both sides. A dry well would not help much in this regard. It is felt that this will help prevent the possibility of water flowing over Route 88. Road signs will be worked out with both Hampton Falls and Exeter. A letter has also been submitted to the Department of Transportation for signage. The matter of lowering the speed limit on Route 88 will be brought to the Selectmen's attention for request for input from the Police Chief and ultimate request to the NH-DOT. A stop sign and stop line have been added to the plans to include a center line for a portion of the driveway at the entrance. The granite post is to be retained but relocated. Parking spaces, to include an ADA compliant space, are now shown on the plan.

All utility poles are shown on the revised plans. There are no plans for more. No driveway permit is needed as the driveway is existing and falls under the Town of Exeter's jurisdiction. The water system does not require a small commercial permit by DES regulations. Water tests have been conducted. The results are that there are no issues with water quality. Arsenic levels are to be treated as recommended. The sprinkler system can be served by the water line from Exeter. The school has applied to Exeter for a potable water connection, however, water is available by on site well and an Exeter water line.

With regard to Jones and Beach Engineers' comment suggesting an easement for the gravel emergency lane, it was stated that this matter will be handled by lease and the recorded plan. The septic design is at the State level for approval. A waiver is requested to the requirement for wetland survey. Drainage calculations have not been presented due to the minor drainage issue. A waiver is requested to this requirement as well as plan size and landscaping. A sign is in place on the Exeter portion of the parcel. C. Musselman stated that he didn't feel a traffic study is warranted at this time. A note regarding the sprinkler system has been added to Sheet 1 of the plan set. K. Kelley noted that the allowed occupancy will be dictated by codes as to how many will be permitted in the structure. He requested that indication of requirements of the Planning Board be placed on the site plan for code enforcement purposes.

No additional landscaping is planned or needed as the site is nicely landscaped. Snow storage areas are now shown on the plan. Lengthy discussion took place with regard to needs for exterior lighting as well as a lighting plan as required by regulation. K. Kelley stated he feels the lighting is inadequate and will work with the State Fire Marshall's office on this matter. The dumpster location will be revised to add a second container (one for solid waste and another for recycling). Times will be established for an allowable time of day to empty the containers. Hours of operation were identified as 7:45 a.m. drop off of students and 3:30 p.m. begin time for pick up. Extended day programs will allow for pick up as late as 5:30 p.m.

Concern was raised with respect to the residential unit located over the garage within the red-hatched area. D. Birdsall stated the apartment is used for staff members that care for the horses.

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He assured the Board that he is very careful with regard to who is occupying his facilities and that he does not plan to lease the apartment to the general public and will control the use at all times. He reported that there are no other apartments on the property and that a trailer has been removed.

Overflow parking has been designated to the field closest to the structures used by the school. This parking area is planned to be used in the winter if events require it. This area is to remain grass. D. Smith requested that foot candles be shown on the plan. C. Musselman stated this would require identifying the fixtures and that this work has not been done. Following discussion, the Board determined that K. Kelley and the State can resolve this safety issue. D. Gleason stated he felt a lighting plan can be addressed with the building permit process.

Hearing no further questions of the Board, discussion was opened to abutters and members of the public. ZBA Member A. Dittami, Fieldstone Lane, stated that the parking area designated in the back area of the property does not fall within the approval to grant the use of a middle school within the red-hatched area as conditioned by the Zoning Board of Adjustment. He also added that the approval included no equestrian events while school is in session. He stated concern that no representation was made to the ZBA with regard to large events and that the presentation related to students being dropped off and picked up. An extended day program was also not presented to the ZBA. C. Musselman stated that overflow parking came from review by the Town of Exeter. C. Brown reviewed the conditions of approval in conjunction with the decision, and stated she did not see where the applicant did not meet ZBA conditions. R. McDermott asked where sports activities will take place and was told within a fenced area within the red-hatched area. R. McDermott stated that another representation was made in the past. C. Graham indicated that teachers might take students to the lawn but not for specified activities.

The Board addressed the request for waivers at this time.

**MOTION:** To grant the applicant's request for waiver to Site Plan Review Regulations Section 6.2.18 requiring drainage calculations.

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

**MOTION:** To grant the applicant's request for waiver to Site Plan Review Regulations Section 6.2.10 requiring a wetland's stamp.

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

**MOTION:** To grant the applicant's request for waiver to Site Plan Review Regulations requirement for plan size to allow a size of 24 x 36.

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

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**MOTION:** To grant the applicant's request for waiver to Site Plan Review Regulations Section 8.4.1 requiring a landscaping plan.

**MOTION:** L. SMITH  
**SECOND:** J. SHAW  
**UNANIMOUS**

C. Brown suggested leaving the public hearing until next meeting to allow for additional review comments from Jones and Beach Engineers allowing time to have lighting issues addressed. C. Graham expressed an urgent plea requesting the Board consider drafting a conditional approval. This would allow the applicant to continue addressing requirements needed and at the same time file for a building permit. Following review of the status of outstanding requirements, a conditional motion of approval was drafted as follows. C. Brown closed the public hearing.

C. Brown requested that the phrase "proposed improved driveway for Seacoast Academy use" include the word "only." C. Musselman stated it is not limited to use by the school. L. Smith stated that this had been represented to the Board. D. Birdsall stated that staff members who manage the property use this driveway to include contractors.

**MOTION:** To approve **Case #07-04-02:** Application by **Richard Davis** for a Final Public Hearing for a Site Plan on a Proposed Private Middle School at property located at 356 & 340 Exeter Road (Map 6, Lot 22) and **Case #07-04-03:** Application by **Richard Davis** for a Final Public Hearing for a Site Plan on a Proposed Private Middle School at property located at 356 & 340 Exeter Road (Map 6, Lot 22-2) with 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 any and all state permits be obtained and made part of the file before the mylar is signed.
3. That no additional use or change of use shall be permitted unless approved by the Planning Board.
4. That approval is for a private middle school.
5. That no changes to the approved plan(s) can be made without appearing before the Planning Board.
6. That these conditions of approval reference back to conditions of approval granted under Case 06-03-01, dated 3/28/06.
7. That all approved waivers be added to plan.
8. That no queuing or stacking of cars on Route 88 occur or be permitted.

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9. That driveway lighting adheres to State mandates.
10. That final approval of the plans by Jones & Beach Engineers is required.
11. That the large shrub on the Minai property(353 Exeter Road, Map 6, Lot 23) be removed from the line of site.
12. That hydraulic calculations for the sprinkler system be provided.
13. That the septic design is approved by the State and that the approval number be added to the plan.
14. That the lease between 340 Exeter Road LLC and Seacoast Academy specify that the gravel road is to be used as an emergency access and that a notice of lease is to be filed at Rockingham County Registry of Deeds.
15. That the applicant manages special events, especially parent/teacher conferences, so that adequate parking is available particularly when winter snows impact parking availability.
16. That an arsenic removal system be provided if the existing well is to be used for potable water.
17. That the driveway width be resolved between the Hampton Falls' Fire Chief, Jones and Beach Engineers, the Town of Exeter and the applicant.
18. That the applicant show solid waste and recycling dumpsters on the plan specifying pick up hours limited between 8 am and 5 pm.

**MOTION: M. GARAVAGLIA  
SECOND: L. SMITH  
UNANIMOUS**

A. Tony resumed her seat on the Board. J. Shaw excused himself from the meeting at 11:06 p.m. M. Garavaglia was designated a voting member.

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

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

**MOTION: T. TOCCI  
SECOND: L. SMITH  
5 IN FAVOR, 1 ABSTENTION, PASSES**

**F. OTHER BUSINESS**

1. **Request for Extension** – Case #06-01-02, Mary Weaver, Private Road Subdivision, Map 7, Lot 60-3

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Jack Kopka was present on behalf of Mary Weaver. He submitted a letter of authorization signed by M. Weaver to present this matter. J. Kopka explained that M. Weaver is unable to complete the conditions of approval by the June lapsing date.

**MOTION:** To approve the request from Mary Weaver for a one-year extension for the reason that she is unable to comply with the requirements of the private road subdivision within the conditions of approval.

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

**2. Request for Drawdown of Funds – Case 06-12-02, Platinum Storage Facility, Map 8, Lot 56**

The Board reviewed the report from Jones & Beach Engineers dated April 24, 2007 in conjunction with the applicant's request for draw down of funds. Some confusion was identified with regard to the way in which the figures were presented in Exhibit B, attached to the report letter. T. Tocci inquired as to who monitors the construction of the storage facility. K. Kelley reported he inspects the building and Jones and Beach Engineers is now inspecting engineering.

**MOTION:** To approve the request for draw down of funds in the amount of \$54,740 for this bond reduction request for inspection of Platinum Storage as determined by Jones and Beach Engineers.

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

**3. Certificates of Adoption**

**Certificate of Occupancy Permit** to Section 4 of Subdivision Regulations, and Section 3.2 of the Site Plan Review Regulations AND Subdivision Regulations adding Section 9.0 Certificate of Occupancy to Section 9 – Administration and Enforcement to include the addition of a definition under Section 4 of the Subdivision Regulations

Board member signed Certificates of Adoption forms for the two amendments referenced above. These will be filed with the Town Clerk.

**4. Building Code – Septic Reserve Area Amendment (3/13/07)**

C. Brown reported that shortly after this amendment was approved in March, it was identified that Section 7.1314 was deleted. This is a problem for the Rockingham County Conservation District and they brought the matter to the attention of the Planning Board. The Ordinance and Regulations Review Committee was asked to address this matter in order to have an amendment on the ballot in March 2008. K. Kelley noted that the Subdivision Regulations still address the requirement; however, it should be part of the Building Code.

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**G. COMMUNICATIONS TO BOARD MEMBERS**

1. 14th Spring Training & Zoning Conference Report: This matter will be added to the next agenda given the late hour.
2. Ordinance and Regulations Review Committee Minutes of 4/16/07
3. Planning Board Goals: C. Brown reviewed a listing of goals for 2007/2008 noting the need to get proposed ordinance amendments to public hearing by the November meeting. A review of the status of open items at the Committee level took place. C. Brown requested the committee finish its work on affordable housing and work on shoreland protection leaving the accessory housing unit matter to K. Kelley to interpret as he does now. If a recommendation is ready for consideration, it can be brought to the full Board.
4. "Obtaining Community Acceptance of Your Building Program" workshop June 7, 2007
5. NH Community Development Finance Authority – Community Development Block Grant Application – Housing and Public Facilities
6. FEMA request for information for 05/06 NFIP Biennial Report
7. "The Source" Spring 2007
8. Updated listing of membership of Planning Board

**H. ADJOURNMENT**

**MOTION:** To adjourn the meeting at 11:36 p.m.

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