

PUBLIC HEARING AND BUSINESS MEETING

- A. CALL TO ORDER:** C. Brown called the meeting to order at 7:01 p.m.
- B. ROLL CALL:** C. Brown, Chairperson; L. Smith, Vice Chairperson; B. Mutrie, A. Tonry, Members; T. Tocci, Selectmen's Representative; M. Garavaglia, Alternate Member; D. West, Circuit Rider Planner; Lori Ruest, Secretary
NOT PRESENT: C. Gordon, D. Mitchell, Members; R. McDermott, Alternate Member

M. Garavaglia was designated a voting member for this meeting.

C. PUBLIC HEARINGS

1. To receive public comment on an updated draft of **Chapter Twelve (12) of the Hampton Falls Master Plan: Water Resources Management and Protection Plan** in consideration of voting to adopt the new chapter to replace the current chapter. Full text is available at the Town Hall.

C. Brown opened the public hearing to discussion of the Board noting this public hearing is to receive comment with respect to adopting the revised chapter of the Master Plan as referenced above. L. Smith stated that the recommendations throughout this chapter to protect water resources are well-founded. T. Tocci noted that overlay districts are recommended for the areas of aquifers and shorelines. L. Smith added that he agrees with these efforts and noted that a current project before the Conservation Commission falls within the criteria as outlined in this Master Plan chapter. He commended the Committee's efforts throughout this chapter. No further discussion was heard from the Board.

C. Brown opened discussion to members of the public. Hearing no comments or questions, C. Brown closed the public hearing.

MOTION: To approve the updated Master Plan Chapter 12, Water Resources, with commendation to the Committee.

MOTION: L. SMITH
SECOND: B. MUTRIE
UNANIMOUS

Board members were asked to return the maps from the draft copies to the Planning Board Secretary.

2. **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.

Brad Chareth of Millenium Engineering was present. L. Smith stated his discontent with the report from Dick Bond of the RCCD indicating that the test pits shown as witnessed on the plan were, in fact, not witnessed by him. He stated that he is not willing to act on this application until such time as all review comments are received. C. Brown noted that this application was

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continued last month due to late receipt of engineer and department head reviews. She added that this should have allowed the applicant engineer additional time to address and resolve comments in order to submit a reply of the status of the plan.

Discussion took place with respect to the 65 day time limit and the need for the applicant to request a continuance. B. Chareth requested continuance to the June meeting on behalf of the applicant. C. Brown asked that this request be submitted in writing for the file. Suggestion was made, and discussion took place, with respect to withdrawing the Board's motion accepting this application as complete as it is now found that information was not complete.

MOTION: That the application as presented, that was considered complete, had erroneous and misleading information that needs to be corrected, thus invalidating acceptance, and, that the application be reconsidered for completeness at the next meeting.

MOTION: T. TOCCI
SECOND: L. SMITH

Further discussion took place with respect to options of the Board; one being an outright denial based on misleading information. B. Chareth reported that test pits have since been applied for and are scheduled for Thursday. The motion on the floor would require the applicant to reapply, renotice and start over with the review process. T. Tocci and L. Smith indicated that they would be willing to withdraw the motion at this time, but any further misleading information will require reapplication.

MOTION: To grant the applicant's request for continuance as requested by the applicant's engineer representative.

MOTION: T. TOCCI
SECOND: M. GARAVAGLIA
UNANIMOUS

3. Case 06-04-01: Application from **David Chareth** for Design Review Public Hearing for subdivision creating three lots at property located at 186 Drinkwater Road (Map 4, Lot 11)

Property owner, David Chareth, and Brad Chareth of Millenium Engineering were present. C. Brown stated that this is a design review. This phase of the review process allows for more in depth engineering review than the preliminary consultation phase. Comments made by both the applicant and the Board are non-binding.

D. Chareth presented the plan (Sheet 5 of the plan set) indicating that he feels the plan meets requirements for a three-lot subdivision on approximately 20 acres on Drinkwater Road. The new road is 700' in length and the entrance has proper site distances. He noted that test pits have been witnessed and wetlands have been flagged. This plan has appeared before the ZBA for variance to frontage requirements in order to allow a private road rather than a traditional subdivision road. The ZBA discussion led to the fact that there was no hardship and the application was withdrawn by the applicant. During this review, abutters expressed concerns

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with the proposal as well as opposition to road construction. L. Smith noted that the Conservation Commission considered this parcel, but that the economics did not work. D. Chareth stated he is still open to discussion with the Conservation Commission.

Based on abutter comments at the ZBA meeting, the road entrance location has been moved away from the abutting property line. D. Chareth suggested placing a fence or wall along the property line of the proposed road and abutter to serve as a screen and noise mitigation. A variable width right of way is proposed. The area of the variable width right of way is currently maintained and landscaped by the current homeowner. B. Chareth stated that he has been inquiring as to whether the Board would entertain a request for waiver to the 125' width subdivision requirement but has not heard a definite answer. L. Smith asked T. Tocci to speak to the issues that brought the 125' requirement about. T. Tocci noted issues of design of lots, difficult definition of lot lines and preventing jury-rigging of lots.

Discussion of the Board took place. Although it was noted that the frontage is only 155' to begin with, it was also noted that the change to the parcel by placing a roadway causes the need for waiver request in order to meet the 125' subdivision requirement. L. Smith noted he was inclined to approve the waiver request with the stipulation that the lot of two acres already exists without the area that will fall within the 125' requirement. This allows for the property owner to maintain the area rather than the Town. A. Tonry stated she is opposed to a variable width right of way but that she would be in favor of granting a waiver to the 125' requirement suggesting that the area be gifted to the abutter (Veilleux).

Hearing no further comments from the Board, C. Brown opened discussion to abutters and members of the public reminding that this design review is non-binding.

Abutter Suzanne Veilleux stated she has resided at her property for 35 years and feels this project will be disastrous to her farm and affect her livelihood. Noise from construction and subsequent traffic will affect her goats and make her property unusable as a goat farm during the construction phase. Discussion of who would be responsible for maintaining a fence as proposed took place. Concern with the number of trees that would need to be removed for construction of the roadway was also expressed.

L. Smith indicated that he would like to see farms stay in business but that the Board does not have legal authority to take property from anyone nor the rights associated with a property, including development. The Board can ensure the project meets regulations, but there is nothing to prevent this type of development. A. Tonry added that the Board can try to make the effect of this subdivision on abutters as minimal as possible and suggested the abutters and applicant come back to the next meeting with ideas that would help both parties.

Attorney Craig Solomon introduced himself as representative of S. Veilleux. He reviewed several issues of this proposed development that he felt were inconsistent with Hampton Falls' regulations (detrimental effect on the farm and animals, loss of rural character, proposed street is not allowed along the property line, the use would be a nuisance, impact to property regarding aesthetics and impact on prosperity, orderly layout and use of land, consideration of scattered and premature subdivision, drainage, and impact on services).

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Rachel Grogan identified herself as a customer of S. Veilleux and questioned how municipalities give weight to various rights. L. Smith explained that the zoning regulations allow for certain uses and that exceptions are not generally made. The Board is to be fair to all. R. Grogan stated she appreciates the seriousness of consideration being given to this matter. Hearing no further comments, C. Brown closed the public hearing.

D. Chareth indicated he would look at placing a green buffer along the roadway. Lengthy discussion of how to achieve this took place given that the area is that of the Town right of way. Suggestion to move the roadway 10' in order to deed a 10' strip for a natural buffer to the abutter was made. Board members suggested the applicant and abutter work out their issues in advance of the next application process. Hearing no further comments or questions, the public hearing was closed.

4. **Case 06-04-02:** Application from **Reed P. Thompson** for Final Public Hearing for Wetlands Special Use Permit to allow construction of a paved driveway through the wetland buffer zone for property located at 10 Evergreen Drive (Map 4, Lot 32-10)

A letter dated May 1, 2006 has been received from applicant's attorney withdrawing this application.

5. **Case #06-05-01:** Application from **Alice L. Tonry Trust 1992** for Final Public Hearing for lot line adjustment to a portion of a private road subdivision at 324 & 314 Exeter Road, (Map 6, Lots 36-2 & 36-4) increasing Lot 36-2 and decreasing Lot 36-4. Expedited review is requested.

A. Tonry stepped down from the Board in order to present this application on behalf of her mother, Alice Tonry. A letter of authorization to do so is part of the file. Expedited review is requested.

A. Tonry presented the plan noting background information as provided as part of the preliminary consultation held with the Board. Test pits have since been conducted on the lot to be created.

The first issue affecting this application is reassigning the frontage of Lot 36-2 to Exeter Road. Secondly, the lot line to Lot 36-2 is to be relocated increasing the acreage of this lot from six acres to 10 acres. This will allow for current use designation and to maintain the area as a Christmas tree farm. The abutting two-acre parcel (Map 6, Lot 35) is owned by Abigail Tonry and is has one acre currently under current use assessment.

Lot 36-4 is currently approximately 125 acres. It is suggested to subdivide the existing house and approximately six acres, thus creating a new lot. The resulting new lot would have the barn buildings on it with approximately 120 acres. The land is to continue to operate as a Christmas tree farm. The newly created lot has 250' of road frontage on Tonry Lane. It is planned to continue to use the 20x24 garage for storage, workshop and office area and may at some time, use it for a caretaker's residence as it is approved as a two-bedroom home. This leaves four resulting lots as part of the private road subdivision. Easements will be provided for use of water and septic between the barn and the home on Lot 36-4.

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L. Smith requested that the lot lines be re-labeled to indicate those to be relocated. It was also noted that expedited review does not apply to this request. D. West added that it appears the application will need to be re-noticed as indication of the newly created lot and request for waivers were not part of the legal notice wording. It was requested that the area of a proposed well be added to the plan and that color highlighted plans be provided. A. Tonry responded to D. West's review memo at this time. Four waiver requests are provided for the Board's consideration.

This application is continued to the Board's June meeting to allow for proper notice and revision of the plans.

D. REVIEW AND APPROVAL OF PREVIOUS MEETING MINUTES

The minutes of the April 25 meeting will be reviewed at the June 27 meeting.

E. OTHER BUSINESS

1. **Committee Reports:** Two sets of minutes from the Ordinance and Regulations Review Committee dated April 17 and April 24 were provided to the Board. This committee will be reviewing inclusion of architectural design for site plan review. It was suggested to refer to the architectural design requirements as ~~part of the overlay district for~~ stated in the multi-family/elderly housing ordinance.

Minutes of the ZBA meeting of April 27 were provided to the Board. These minutes relate to the Planning Board's request of an applicant to seek relief for private road subdivision. The minutes outline the reason the ZBA could not act on this request.

L. Smith inquired as to requiring sidewalks and bus stops on subdivisions. Following discussion, it was suggested that the question of what the town would need to do to have sidewalks be posed to Brad Jones of Jones and Beach Engineers.

REMINDER: Right to Know Law meeting, June 13, 7 p.m.

F. COMMUNICATIONS TO BOARD MEMBERS

- NH Office of Energy & Planning Technical Bulletin #17
- Follow up letters to applicants from April 2006 meeting
- Letter to State Natural Resources Conservation Services supporting Conservation Commission application for Farm and Ranch Lane Protection Program funding for Dilmore project.
- Updated Zoning Ordinance pages as approved at Town Meeting.

G. ADJOURNMENT

MOTION: To adjourn the meeting at 10:11 p.m.

**PLANNING BOARD
MAY 23, 2006**

**7:00 PM
TOWN HALL**

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**MOTION: A. TONRY
SECOND: M. GARAVAGLIA
UNANIMOUS**

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