

**PUBLIC HEARING AND BUSINESS MEETING**

**A. CALL TO ORDER – 7:00 PM**

**B. ROLL CALL:**

C. Brown, Chairperson; L. Smith, Vice Chairperson; C. Gordon, B. Mutrie, Members; M. Garavaglia, Alternate Member; S. Volpone, Jr., Selectmen's Representative; D. West, Circuit Rider Planner; R. Vigneau, Building Inspector; L. Ruest, Secretary  
NOT PRESENT: D. Mitchell, A. Tonry, Members;  
R. McDermott, Alternate Member

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

**C. PUBLIC HEARINGS**

**1. Case 05-06-01: Application from Open Meadow Homes (Chester and Deanne Starvish, owner) for a Wetlands Special Use Permit in Zone A. (Drinkwater Rd., M 1, Lot 66-1A)**

Steve Oles of AMES MSC was present. Mr. Oles displayed a copy of the plan and identified the parcel location on Drinkwater Road. A special use permit is necessary for the driveway in order to access the buildable area at the rear of the property.

He provided a brief history of the action before the Planning Board in the past where a lot line adjustment was approved to create a buildable area. An application has been forwarded to the State Department of Environmental Services. S. Oles reported that the impact to wetlands totals 2,950 feet. The driveway is proposed to be 12 feet wide with side slopes minimizing the impact. There is currently no standing water in this area. Drainage pipes are provided for possible future water. The crossing has also been placed in the narrowest location of wetland. A total of 890 feet of silt fencing is proposed along the impacted area.

Referring to a letter received from DES indicating the application was incomplete, S. Oles explained that he found this was done in error and a letter indicating the application is complete so is forthcoming.

Discussion was opened to members of the Board. In response to C. Gordon, S. Oles reported that the driveway is proposed to be paved, but if found to be required to be gravel, the matter can be addressed with the client. S. Oles stated that the type of silt fencing used will be in accordance with state instructions.

A copy of D. West's review memo was provided to S. Oles outlining information on what the ordinance requires. L. Smith pointed out that the square footage of disturbed area is just below the requirements for a full review. He asked for an explanation of the difference between a minimum impact application and a full application. S. Oles reported the fee is different and there is a longer period of time for the state to review. L. Smith noted his concern with the minimal difference of the impact and thus the difference of the review.

Discussion was opened to abutters and members of the public. In response to M. Farinola of Kensington Road, S. Oles confirmed that this driveway is for a single family home. In response

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to B. Mutrie, S. Oles reported that the two culverts are located in the same place as this is the lowest grade.

No further comments or questions were heard. C. Brown stated that she would leave the public hearing portion of the hearing open until next meeting.

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

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

**MOTION:** To send the plan to all Department Heads, to include the Conservation Commission, for review and report at the next meeting.

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

2. **Case 05-06-02:** Application from **Louis Terramagra** for an extension to the previous conditionally approved Site Plan Review for an equestrian center. Case 04-02-01 pertains. (Nason Rd., Map 1, Lot 106)
3. **Case 05-06-03:** Application from **Louis Terramagra** for an extension to the previous conditionally approved Subdivision Creating 4 or More Lots. Case 04-04-04 pertains. (Drinkwater Rd., Map 4, Lot 2)

Louis Terramagra was present. C. Gordon stepped down as an abutter. The two cases referenced above were addressed at the same time. C. Brown informed the Board and those in attendance that the posting of these cases was not proper as the approvals of June 22, 2004 have lapsed. The legal notice and notice to abutters include wording regarding an extension of conditional approval. Town regulations require that once an application has lapsed that a new application be submitted for consideration. This issue as well as others regarding signatures, scenic road and wetland special use permit, became problematic in the ability to legally hear this application.

L. Terramagra asked, and the Board informed him of the section of the ordinance that requires the need for a public hearing as compared to the need for a written request. It was noted that Mr. Terramagra's attorney cites the sections of the ordinances in his letter to the Board. Section 5.7.3 was read aloud at this time. There was no extension granted by the Board prior to the expiration of conditional approvals of June 22, 2004. W. Skoglund, friend and banker of Mr. Terramagra, suggested that the Board hold a special meeting to accommodate Mr. Terramagra's needs. C. Brown stated that Mr. Terramagra's attorney was cautioned six months ago that approvals and permits expire within one year's time. It was a courtesy of the Town to inform him, not a requirement. W. Skoglund outlined his efforts to get funding for the road. Discussion took place with respect to which attorney should be dealt with, Colliander or Luker. It was explained to the Board that there are two 50% owners of the company developing this project and that Royal Diamond Development (Terramagra) was the managing partner. The Board

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advised that no action would be taken on this application until a letter, signed by other owners, was presented to the Board naming the individual or his representative who will be the legal representative for the project before the Board. Suggestion was made to have proper signatures of all parties involved for the reapplication. L. Ruest went on record to assure that great efforts were made by town hall staff to get this application before the Board on behalf of the applicant. There is now a need to start over and apply for both site plan and subdivision (to include all permits applied for as part of original applications) as approvals have lapsed. Proper signatures are needed as well as letters of authorization. All abutters will need to be noticed and a legal notice will be required for the newspaper.

In closing, it was noted for the record that both cases referenced above were not acted upon due to improper notice, improper application completeness, and unauthorized signature(s). No action was taken by the Board.

C. Gordon resumed his seat on the Board.

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

B. Mutrie amended page one, paragraph three, first sentence to read “C. Smith noted that in one instance the 50’ *building* separation requirement...”

C. Brown revised page two, paragraph five, last sentence to read “It is not *listed as a separate* requirement *on its own*, however, *but* through reference relates back to ~~the Building Code and~~ subdivision regulations *and site plan review regulations*.”

**MOTION:** To approve the minutes of the May meeting as amended.

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

*It was identified after the meeting that the reference to Subdivision 7.9.2 as part of the motion on page two of the May 24, 2005 minutes was an incorrect reference and should reference Section 7.9.3 as written in Ambit Engineering , Inc. letter requesting waiver dated April 8, 2005. The matter of this typographical error will be added to the July agenda.*

**F. OTHER BUSINESS**

1. Rockingham County Conservation District – Soil Scientist: A letter has been received from the RCCD indicating Richard W. (Dick) Bond will be the acting agent for Hampton Falls until a replacement for M. Cuomo is hired.
2. Building Inspector’s Report: The Board acknowledged R. Vigneau’s report for May.
3. Committee Reports:

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**CIP Committee:** The CIP Committee has not met and is awaiting feedback from G. Greenwood regarding the Water Quality Chapter. D. West will check on the status of this matter with G. Greenwood.

**Road Committee:** L. Smith reported that this committee met on June 28 and released additional funds for Avery Ridge Lane. Minutes will be part of next month's packet.

**Ordinance and Regulations Review Committee:** Two sets of minutes (May 31 and June 13) were provided to the Board. The committee was asked to include the changes from the draft minutes as part of the minutes of the following meeting when the motion to approve is made. Review of the process of preparing and submitting minutes to the Town Clerk was held, to include draft versions and final versions. It was also noted that no actions or decisions of a committee can be made through email and need to be done as part of a public, posted, meeting.

L. Smith informed the Board that a purchase and sales agreement for the purchase of development rights to Applecrest Farm was signed this morning by the Board of Selectmen. As part of the negotiations, the issue of "right to farm" has been raised. It is suggested that the Town consider regulations that conform to state regulations and that it be brought to the voters in March. L. Smith stated he would bring a proposal and modification to the ordinances for consideration to the Committee. L. Smith also stated that he felt obligated as part of the negotiation to bring this before the Town by petition if not approved by the Board. C. Brown stated that she recalls that Applecrest Farm Orchards was provided with some sort of exception to the ordinances in the past that allowed them to sell products other than their own.

**G. COMMUNICATIONS TO BOARD MEMBERS:** C. Brown referred the Board to communications provided in the packet.

- Internet Copy of a Washington Post article entitled "Seeking Solutions on Affordable Housing" provided to the Board by the Town Administrator.
- Updated member listing information.
- NH Housing Finance Authority, Housing and School Enrollment in NH
- Suit brought against the Town by Edward Bortolino, abutter to the Jasinski age restricted site plan on Lafayette Road. Attorney Larry Edelman of Pierce Atwood has filed appearance on behalf of the Town Of Hampton Falls. The ZBA has also received an appeal to an administrative decision of the Planning Board on this matter from an attorney on behalf of three abutters.
- New Issue of Gulf of Maine Times.

**H. ADJOURNMENT**

**MOTION:** To adjourn the meeting at 8:35 p.m.

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