

PUBLIC HEARING AND BUSINESS MEETING

- A. CALL TO ORDER – 7:00 PM:** C. Brown called the meeting to order at 7:00 p.m.
- B. ROLL CALL:** C. Brown, Chairperson; L. Smith, Vice Chairperson; A. Tonry, C. Gordon, B. Mutrie, Members; M. Garavaglia, R. McDermott, Alternate Members; S. Volpone, Jr. (7:30 pm), Selectmen’s Representative; D. West, Circuit Rider Planner; T. Pare, Building Inspector; L. Ruest, Secretary
Not Present: D. Mitchell, Member

R. McDermott was designated a voting member for this meeting.

C. PUBLIC HEARINGS

- 1.** Hearing on amending Zoning Ordinance Article III, Section 11, Elderly Housing and Multi-Family Housing, Section 11.4.6; Site Plan Review Regulations Article IX, Supplementary Regulations, Section 9.1--Water and Sewer Service; and Subdivision Regulations Section 7--Requirements for the Subdivision of Land, 7.9--Septic System Requirements. Amendments point to septic requirements of the Building Code, Section 7.13.

C. Brown opened the public hearing and read the proposed amendments into the record. Copies of the existing ordinances with proposed amended ordinance wording have been provided to the public with agendas this evening (and are attached to the minutes filed with the Town Clerk).

Discussion was opened to members of the Board. These amendments are proposed due to septic requirement wording being repeated in numerous sections of the ordinance. These sections will now point to the Building Code, Section 7.13.

L. Smith requested an explanation be included with the proposed amendment on the warrant. M. Garavaglia volunteered to draft one for consideration at the Board’s next meeting.

Discussion was opened to the public. One person was in attendance. No comments or questions were heard. C. Brown closed the public hearing.

MOTION: To forward the amendment to Zoning Ordinance, Article III, Section 11 – Elderly Housing and Multi-Family Housing, as presented, to the Board of Selectmen for inclusion on the ballot in March, 2006.

MOTION: L. SMITH
SECOND: B. MUTRIE
UNANIMOUS

MOTION: To adopt the amendment to Site Plan Review Regulations, Article IX – Supplementary Regulations as presented.

MOTION: B. MUTRIE
SECOND: C. GORDON
UNANIMOUS

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MOTION: To adopt the amendment to Subdivision Regulation Section 7 – Requirements for the Subdivision of Land, 7.9 Septic System Requirements as presented so that septic systems shall comply with the regulations of Building Code 7.13.

MOTION: C. GORDON
SECOND: R. MCDERMOTT
UNANIMOUS

2. Case 05-08-03: Application from **Frank DePeters** for a Final Public Hearing for a Wetlands Special Use Permit to enable the installation of a driveway. (Sanborn Road, Map 6 Lot 4-2)

Frank DePeters was present. No abutters or members of the public were present. F. DePeters displayed and distributed revised plans. He reviewed the September 19 review letter from Jones and Beach identifying where changes were made on the plan as follows:

1. The applicant engineer is in the process of preparing a drainage analysis. The scale has been revised on the plan. The culvert, as suggested by Jones and Beach, has been included 250' in from Sanborn Road. There is no standing water in this area and the drainage analysis will confirm this as well.
2. Note has been added to the plan.
3. The tree line along the road has been added. The property is totally trees with little to no cleared area. The applicant plans to clear an area for horses.
4. The Driveway Cross Section Detail has been amended as requested.
5. This issue is known to the applicant.
6. A note as described by Jones and Beach has been added to the plan.
7. An application has been made to NH DES; approval information will be added to the plan once received.
8. A construction estimate has been prepared and may need to be amended after the hydrologist finalizes his work.
9. Professional stamps will be added to the final plan set.
10. The wetland setback has been delineated on this revised plan and the plan now shows the 50' sideline setbacks.
11. The detail of the crossing is now shown on the upper left corner of the plan.

F. DePeters reported that all of D. West's comments have been addressed. The RCCD comments have been addressed in conjunction with Jones and Beach Engineers' comments. Fire Chief Lord has requested confirmation that the driveway will support a fire truck traveling in to the home location, to include the issues of weight, size and maneuvering. The Conservation Commission supports the applicant's request contingent upon pre/post wetland treatment.

Discussion was opened to members of the Board. Discussion of requiring the driveway to remain gravel took place. It was agreed to include a note on the plan that states "Driveway within the Wetland Conservation District is to remain gravel or an approved pervious surface." Discussion was opened to abutters and members of the public. No person other than the applicant was present at this time. C. Brown closed the public hearing.

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The applicant was asked to speak to Section 8.5 -- Special Use Permits for Wetlands Conservation District

8.5.1 A special use permit may be granted by the Planning Board for the construction of roads and other access ways, pipelines, power lines, and other transmission lines within the District, provided that all of the following conditions are found to exist:

The applicant's responses are listed below:

8.5.1.1 To make a finding that the proposed construction is essential to the productive use of land not within the wetlands. *This is the closest and least alteration to land and a portion of this area requires a crossing to get to the buildable area.*

8.5.1.2 To make a finding that the design and construction methods will be such as to minimize detrimental impact upon the wetland and will include restoration of the site as nearly as possible to its original grade and condition; *Crossing is being made at the most narrow point on the property in order to get to the buildable area. The design will be minimal impact to the wetland area.*

8.5.1.3 To make a finding that no alternative route which does not cross a wetland or has less detrimental impact on the wetland is feasible; *Other areas will require more impact. This proposal is the least impact.*

8.5.1.4 To make a finding that economic advantage alone is not reason for the proposed construction. *This is not economic; trying to build a home for ourselves.*

MOTION: To make a finding regarding Section 8.5.1.1 that the proposed driveway is essential to allow use of the upland/buildable area on the lot. The proposed construction is essential. This crossing is required to reach buildable area on lot.

MOTION: L. SMITH
SECOND: C. GORDON
UNANIMOUS

MOTION: To make a finding regarding Section 8.5.1.2 that the design of the driveway is 12' wide, an attempt to minimize the impact. The crossing is placed at the narrowest point in the wetlands.

MOTION: L. SMITH
SECOND: R. MCDERMOTT
UNANIMOUS

MOTION: To make a finding regarding Section 8.5.1.3 that alternative routes will result in more disturbance within the wetland, stone walls and trees at the front of the property line. All other routes available would cross more wetland with more impact.

MOTION: L. SMITH
SECOND: C. GORDON
UNANIMOUS

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MOTION: To make a finding regarding Section 8.5.1.4 that the applicant is not trying to accommodate economic advantage. The crossing is required in order to get to the buildable area on the lot.

MOTION: L. SMITH
SECOND: C. GORDON
UNANIMOUS

This hearing is continued to October 25 to allow the applicant time to have Jones and Beach Engineers review the drainage analysis, answer the Fire Chief's concerns that the driveway is accessible by a 55,000 GVW vehicle, add a note to the plan stating the driveway is to remain gravel or other pervious surface within the Wetland Conservation District and revise and submit a cost estimate.

D. REVIEW AND APPROVAL OF PREVIOUS MEETING MINUTES:

Although A. Tonry stepped down for a portion of the meeting, she requested amendment to the minutes as follows:

Amend Page 1, Paragraph four, to read "...One barn is a steel type storage building and the other is a two-car garage style building ~~with an approved~~ as a two bedroom ~~apartment above~~ home. The septic system and well for Alice Tonry's home services this building...."

MOTION: To approve the minutes of the August meeting as amended.

MOTION: L. SMITH
SECOND: S. VOLPONE, JR.
5 IN FAVOR, 2 ABSTENTIONS, PASSES

E. OTHER BUSINESS

1. **Office of Energy & Planning Fall Conference – Sign up ASAP:** Registration information was provided to Board members. L. Ruest requested completed forms as soon as possible in order to sign members up and make arrangement for payment.

2. **Circuit Rider Planner Contract with the Rockingham Planning Commission (7/1/05 – 6/30/05):**

MOTION: To authorize the Chairman to sign the contract on behalf of the Planning Board.

MOTION: L. SMITH
SECOND: C. GORDON
UNANIMOUS

3. **Building Inspector's Report – Tim Pare:**

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The Board acknowledged the report for the month of August as prepared by R. Vigneau and welcomed T. Pare as new Building Inspector. Question was raised as to when impact fees are collected for projects such as additions.

4. Committee Reports:

C. Brown referred the Board to numerous sets of minutes from the Capital Improvement Committee, Road Committee and Ordinance and Regulations Review Committee.

5. Historical District:

C. Brown inquired as to where the Board is at with respect to this issue. She referred the members to the documentation and information provided by B. Mutrie and S. Volpone and asked the Board for thoughts regarding the process.

A. Tonry noted that the Planning Board is advisory in this matter. It is the Historical Society and the Board of Selectmen who ought to be looking at this. The Planning Board can provide direction, however.

There is the matter of establishing a Historic District or a Historic Commission. The differences between the two were discussed at this time. The intent is to preserve the downtown area (area surrounding the Town Common) without changing the zoning. It was noted that the Town already lost the Gove house to a furniture store. This would allow buildings to be preserved maintaining the character. This matter is also part of the Master Plan.

Question was raised with respect to negative impact on the value of property. Lengthy discussion of design, use and maintaining the rural appearance took place at this time. Discussion concluded that the Planning Board should notify the Historical Society and Board of Selectmen that they should be pursuing a way to protect the historical heritage of Hampton Falls. There was a consensus of the Board to do so.

F. COMMUNICATIONS TO BOARD MEMBERS:

- Municipal Law Lecture Services, registration—sign up ASAP.
- Follow up letters to previous cases before the Board.
- NH DES permit granted to Jasinski/Mutrie age restricted project on Route 1.
- Outreach Coalition – application for projects for 2006
- Tidelines publication – Fall copy.
- Coastal Watershed Land Conservation Plan Meeting, October 17, 7 p.m., Newington Town Hall.
- Exeter River Local Advisory Committee Workshop, October 15, Brentwood Town Office.
- Bortolino v. Town of Hampton Falls – case has been resolved/settled.

G. ADJOURNMENT:

**PLANNING BOARD
SEPTEMBER 27, 2005**

**7:00 PM
TOWN HALL**

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MOTION: To adjourn the meeting at 8:42 p.m.

MOTION: A. TONRY

SECOND: C. GORDON

UNANIMOUS

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