

**PUBLIC HEARING AND BUSINESS MEETING**

**A. CALL TO ORDER:** C. Brown called the meeting to order at 7:00 p.m.

**B. ROLL CALL:** C. Brown, Chairman; R. McDermott, B. Mutrie, J. Shaw, A. Tonry, Members; T. Tocci, Selectmen's Representative; R. Spoerry, M. Garavaglia, Alternate Members; D. Smith, Circuit Rider Planner; K. Kelley, Building Inspector

Not Present: L. Smith, Vice Chairperson; L. Ruest, Administrative Assistant

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

**C. PUBLIC HEARINGS**

Pursuant to RSAs 675:3, 675:6 and 675:7, the Hampton Falls Planning Board will conduct the following public hearings on October 23<sup>rd</sup>, 2007, at 7:00 p.m., Town Hall, 1 Drinkwater Road, Hampton Falls, NH 03844:

1. Change the number sequencing in **Section 7** of the Town of Hampton Falls **Building Code** from 7.1.31.1 to 7.13.1.1 and amend this section to include the septic reserve area be a minimum of 48 inches to the seasonal high water table, as well as add a new provision that specifies that in the instance when an applicant can not comply with a minimum septic reserve depth of 48 inches to the seasonal high water table that the New Hampshire Department of Environmental Services Subsurface Systems Bureau fifty percent (50%) waiver rule be considered when applicable.

C. Brown announced that the amendments to the septic reserve area are not part of the public hearing; she reviewed the changes recommended by the RCCD with the Board members, noting that b) "Seasonal High Water Table of 48 Inches (minimum)" has been reduced to "24 Inches (minimum)", and that c) is a new criteria. Additional changes include re-lettering the prior criteria and rewording of f) which now becomes g) in the revised amendment.

**MOTION:** To bring the proposed amendment to Section 7 of the Building Code , with appropriate revisions, to public hearing at the November 27, 2007 Planning Board meeting.

**MOTION: T. TOCCI**  
**SECOND: R. MCDERMOTT**  
**UNANIMOUS**

2. Amend **Section 3.6 Private Road Subdivision Ordinances in "A District"** specifically provision 3.6.5 of the zoning ordinance regarding construction standards for building a private road in the Town of Hampton Falls "A" district. This amendment updates construction standards to current practices.

C. Brown asked that she not be required to read all the amendments in the full context unless requested by members of the public. Hearing no objections to her proposal, she opened the meeting to the public for questions.

**MOTION:** To accept the amendment Section 3.6 (Private Road Subdivision Ordinances in "A District") as written.

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MOTION: R. MCDERMOTT  
SECOND: T. TOCCI  
UNANIMOUS

C. Brown announced that the approved amendment to Section 3.6 would be certified and filed with the Town Clerk, and that a copy would be sent to the Office of State Planning.

3. Amend **Subdivision Regulation Section 4.2 Definitions** to include a definition of “security.”

John Ratigan, from the public, questioned why an “insurance bond” was not listed as an example of a monetary guarantee. M. Garavaglia replied that Letters of Credit and cash were the more common forms of security and that the list of examples was not intended to be exhaustive.

MOTION: To approve the definition of “Security” as written.

MOTION: T. TOCCI  
SECOND: R. MCDERMOTT  
UNANIMOUS

C. Brown stated that the approved amendment to Subdivision Regulations Section 4.2 would be certified and filed with the Town Clerk, and that a copy would be sent to the Office of State Planning.

4. Amend the wording in **Subdivision Regulation 7.3 Monumentation Requirements** that will specify the placement, arrangement, and type of monuments to be installed within a new development.

Both Jonathan Ring from Jones & Beach and John Krebs of Tuck Realty had questions and comments on 7.3.3; B. Mutrie also suggested a change to 7.3.5 with which J. Ring concurred. 7.3.1 and 7.3.4 were acceptable as written.

MOTION: To bring the revised amendments 7.3.3 and 7.3.5 (Section 7.3 Monumentation Requirements) to public hearing at the November 27, 2007 Planning Board meeting.

MOTION: M. GARAVAGLIA  
SECOND: T. TOCCI  
UNANIMOUS

MOTION: To approve the amendments to Subdivision Regulations 7.3.1 and 7.3.4 as written.

MOTION: B. MUTRIE  
SECOND: R. MCDERMOTT  
UNANIMOUS

C. Brown announced that the approved amendments to Subdivision Regulations Section 7.3.1 and 7.3.4 would be certified and filed with the Town Clerk, and that a copy would be sent to the Office of State Planning.

At this point, C. Brown closed the public hearing to discuss the Tuck Realty Case #07-06-03 under Other Business.

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**MOTION:** To amend the agenda as written to address the Tuck Realty case as the next item of business.

**MOTION: T. TOCCI**  
**SECOND: R. MCDERMOTT**  
**UNANIMOUS**

**1. Tuck Realty, Case #07-06-03 (Other Business)**

John Ratigan from Donahue, Tucker and Ciandella and John Krebs of Tuck Realty represented the applicant; Jonathan Ring from Jones & Beach and Mark Beliveau of Pierce Atwood spoke on behalf of the Town. C. Brown stated that a motion was required to approve the lot line adjustment between parcels 01-065 and 01-065.01.

Discussion ensued as to how the lot line adjustment should be handled. M. Beliveau stated that sheet 2A (which contained the lot line adjustment) was not part of the approved plan and therefore should be withdrawn; consequently, the applicant agreed to pull sheet 2A and rely on the originally submitted approved plan which had included lot line adjustment information. It was agreed that sheet 2 would be filed and any reference to sheet 2A (on sheet 2) deleted.

**MOTION:** To approve the applicant's request for a lot line adjustment to Map 1, Lots 65 and 65-1, adding .63 acres to Lot 65 resulting in a parcel with 51.63 acres, and decreasing Map 1, Lot 65-1 by .63 acres to 2.08 acres in accordance with the plan by Beals & Associates dated June 5, 2007 and revised on October 17, 2007, subject to the following **conditions**:

1. That new monumentation be set and that a Certificate of Monumentation be provided for the file as specified in the Security Agreement.
2. That new deeds be provided for the file showing the appropriate acreage added to the 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 reference to sheet 2A be stricken from sheet 2.

**MOTION: R. MCDERMOTT**  
**SECOND: B. MUTRIE**  
**SIX IN FAVOR; ONE ABSTENTION, PASSES**

Two issues were raised regarding the restricted covenants/conditions of approval: the first involved the 20 foot slope, grading, drainage and utility easement. J. Ring was asked to comment regarding this issue and stated that there were areas where the slope grading easement could be eliminated; further, he felt that planting on the berm (outside of the swale) would be acceptable. Specifically, J. Ring recommended that the easement be required for lots 1, 2 and 3. M. Beliveau suggested that it's a matter of clarification—that the Town needs to determine what can happen in an easement area and whether or not the Town wants to accept/reject an indemnity. C. Brown maintained that the matter of easements should be as straight-forward as possible for the homeowners' benefit; consequently, she recommended that the easements be retained for lots 1, 2 and 3. J. Krebs agreed that there would be no utilities in this area, and that it would be a slope, grading and drainage easement only.

**MOTION:** That the 20 foot slope grading/drainage easement be specified for lots 1, 2 and 3 only.

**MOTION: T. TOCCI**

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**SECOND: A. TONRY  
SIX IN FAVOR; ONE OPPOSED, PASSES**

J. Ratigan said the second issue which concerned the applicant involved the removal of trees in the wetlands buffer; he stated that the developer wanted “reasonable” cutting in the buffer to allow for the safe placement of homes. C. Brown stated that this had been an issue from the onset, and had been discussed in July and August. J. Krebs was asked to read the language in the covenants covering this matter (which he did—paragraph D); M. Beliveau stated that this was new wording from what he had reviewed in the past, and that the term “by structures” should be deleted. C. Brown said that it would be common sense to remove dead or dying trees; in order to address any subjectivity as to which trees should be removed, however, Karen Ayers, as Chair of the Conservation Commission, recommended that a licensed NH forester be consulted to make this determination. J. Krebs responded that the applicant would agree with approval to remove dead trees in the wetlands buffer and the contingency to consult with a NH forester to evaluate any other maintenance issues.

M. Beliveau requested confirmation that the wording of notes 13 & 15 was accurately recorded on the sheet to be filed with the Registry and C. Brown confirmed that this had been addressed. This concluded the discussion of the Tuck Realty case.

**MOTION:** To continue with the agenda under Other Business inasmuch as Mark West, President of West Environmental, had been waiting an extended time during the Tuck Realty exchange.

**MOTION: T. TOCCI  
SECOND: B. MUTRIE  
UNANIMOUS**

**2. Prime Wetlands Presentation/Warrant Article (Other Business)**

K. Ayers, Chair of the Conservation Commission, introduced Mark West of West Environmental who is bringing the research on Prime Wetlands (PW), previously compiled by Gove Environmental Services, to the planning stage; K. Ayers also explained the importance of Prime Wetlands to the community. M. West reported that this is the 12<sup>th</sup> Prime Wetlands application that he has worked on and that the voters must approve this designation before he presents it to the State for their acceptance; the objective of his presentation was to inform the Planning Board of the ramifications of designating a Prime Wetlands area. M. West covered the requirements of the scope of his work (focus on the top ten PW in Town), the criteria for approval of projects in and adjacent to the PW, the public hearing requirements, new rules that have been proposed, Gove’s evaluation methodology, and an overview of the top ten PW in Hampton Falls. With regard to the proposed ordinance, both J. Shaw and C. Brown stated that they would like the RSA statutes included in the regulation. J. Shaw also questioned the use of the word “approximate” in designating the location of the PW in Town, and M. West replied that this word could be eliminated from the proposed ordinance. M. West also explained that if a project were under consideration in the vicinity of a PW area, that a Wetlands’ Scientist would assess the exact boundaries. In response to C. Brown’s stipulation that the tax map information be provided, M. West said that he would have digitized tax maps available by November 6<sup>th</sup>. T. Tocci stated that implementation of a PW ordinance would be an additional step that would further protect this valuable resource.

**MOTION:** That the Planning Board schedules a public hearing for the Prime Wetlands proposed ordinance at the November 27, 2007 meeting.

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MOTION: T. TOCCI  
SECOND: J. SHAW  
UNANIMOUS

The agenda resumed with Item #5 under the Public Hearings. J. Shaw left the meeting at 9:50 p.m. and Roger Spoerry was designated a voting member. No members from the public were present.

5. Amend **Subdivision Regulation 7.4 Construction and Maintenance Security** to include, replace, and reorganize wording/provisions that will essentially give more description to an applicant regarding security required by the Town of Hampton Falls to guarantee completion of on-site and off-site construction as specified by the subdivision plan.

MOTION: To approve the changes to Subdivision Regulation 7.4 (Construction and Maintenance) as written.

MOTION: T. TOCCI  
SECOND: R. MCDERMOTT  
UNANIMOUS

C. Brown announced that the approved amendment to Subdivision Regulation 7.4 would be certified and filed with the Town Clerk, and that a copy would be sent to the Office of State Planning.

6. Amend **Subdivision Regulation 8.1 Street Design and Construction Specifications** specifically provision 8.1.2 which describes the right-of-way for Town roads, its intended purpose and structures which are not permitted in this area.

B. Mutrie questioned the use of the word “shoulder” in describing the 13 feet off of the paved surface and felt that this term should describe the 4 foot gravel area directly abutting the pavement. Consequently, this amendment will be revised and brought forward for public hearing at the November Planning Board meeting.

7. Amend **Subdivision Regulation 8.2 Roadway Specifications** per the Town Engineer and the Town of Hampton Falls Road Committee’s discussions regarding updated construction standards/specifications for new roads within developments in Hampton Falls. The Typical Roadway Sections will reflect the proposed changes.

MOTION: To bring the revised amendment to Subdivision Regulation 8.1 (Street Design and Construction Specifications) to the November 27, 2007 Planning Board meeting and to approve the revisions to Subdivision Regulation 8.2 (Roadway Specifications) as written.

MOTION: B. MUTRIE  
SECOND: M. GARAVAGLIA  
UNANIMOUS

C. Brown stated that the approved amendments to Subdivision Regulation Section 8.2 would be certified and filed with the Town Clerk, and that a copy would be sent to the Office of State Planning.

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8. Amend Subdivision **Regulation 8.3 Inspections** to incorporate grammatical corrections and supplemental information to be placed/replaced within the regulation provision.

B. Mutrie felt that an explanation of “Three Party Agreement” should be provided; alternatively, it was agreed to delete this reference as its inclusion does not alter the requirements of the regulation. Subdivision Regulation 8.3 (Inspections) will be brought back for public hearing at the November Planning Board meeting.

9. Amend **Subdivision Regulation 8.4 Sidewalks** to include the last sentence of Subdivision Regulation provision 8.1.2 regarding the sidewalk separation specifications from the shoulder of roadways.

**MOTION:** To bring the revised amendment to Subdivision Regulation 8.3 (Inspections) to the November 27, 2007 Planning Board meeting and to accept the amendment to Subdivision Regulation 8.4 (Sidewalks) as written.

**MOTION: B. MUTRIE  
SECOND: R. MCDERMOTT  
UNANIMOUS**

C. Brown said that the approved amendment to Subdivision Regulation Section 8.4 would be certified and filed with the Town Clerk, and that a copy would be sent to the Office of State Planning.

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

**MOTION:** To accept the meeting minutes as written.

**MOTION: T. TOCCI  
SECOND: B. MUTRIE  
UNANIMOUS**

**E. OTHER BUSINESS**

3. Committee Reports

C. Brown said that the only Committee report that had been received was from the Ordinance and Regulation Review Committee.

4. Accessory Dwelling Unit Amendment

C. Brown pointed out that the word “existing” should be inserted in two places prior to “accessory use building” (under Definition and 3.1.13); B. Mutrie said the word “and” should be inserted in the last sentence (prior to “...which is subordinate...”) of the Definition statement. D. Smith will make these changes.

**MOTION:** To make the changes cited and bring the Accessory Dwelling Unit to public hearing at the November 27, 2007 Planning Board meeting.

**MOTION: B. MUTIRE  
SECOND: A. TONRY**

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5. Proposed Amendment to Scenic Road Ordinance

T. Tocci suggested that state Routes 84 and 88 be added to the scenic road ordinance to protect the scenic value of these roadways. A. Tonry recommended that Route 107 also added also and D. Smith will investigate this proposed amendment. C. Brown asked whether there were new Town roads (such as Marsh Lane) which should also be captured under this ordinance, and requested that the Road Committee handle this review. B. Mutrie had questions regarding 3.3 (Tree or Stone Wall Removal) and T. Tocci suggested that the Ordinance and Regulation Review Committee address this issue.

**F. COMMUNICATIONS TO BOARD MEMBERS**

C. Brown covered the proposed worksheet that she and L. Ruest had prepared to assist the Ordinance and Regulation Review Committee with their work; she also referenced the article from the “New Hampshire Town and City” magazine and the letters that she had sent out on behalf of the Board.

**G. ADJOURNMENT**

**MOTION:** To adjourn the meeting at 10:30 p.m.

**MOTION: A. TONRY**  
**SECOND: R. MCDERMOTT**  
**UNANIMOUS**