

PUBLIC HEARING AND BUSINESS MEETING
DRAFT

A. CALL TO ORDER: The Meeting was called to order at 7:00 pm.

B. ROLL CALL: C. Brown, Chairwoman; A. Tonry (acting secretary), B. Mutrie, S. Volpone, T. Santora; Members; M. Kasprzak, Selectmen's Representative; G. Parish, Alternate; Mark Sikorski, Building Inspector; D. Smith, Circuit Rider Planner; **Not Present:** A. Franciosa, Vice Chairman, E. Hardee, Alternate.

C. ORGANIZATIONAL MEETING:

MOTION: To nominate Greg Parish and Eugene Hardee as alternates to the Planning Board for a 3 year term.

MOTION: C. BROWN

SECOND: B. MUTRIE

6 IN FAVOR: PASSES

G. Parish took his seat at the table. C. Brown thanked him for his acceptance and stated she would not be sending him a note re: his nomination.

C. Brown then updated the subcommittees for 2013. **CIP** - C. Brown will replace M. Caruso and will act as chairperson; L. Ruest will replace E.N. Small; Todd Santora will replace P. Stone and Eugene Hardee will join the subcommittee. **Road Committee** - A. Franciosa will remain chairperson; L. Ruest will replace E.N. Small. **Ordinance and Regulations Review Committee** - B. Mutrie will remain chairperson; P. Stone will join the subcommittee.

D. PRELIMINARY CONSULTATION: Mary Dumont to remodel existing and build structures into a restaurant, bar and event facility at property located at 13 Exeter Road, Map 8, Lot 37.

C. Brown acknowledged receipt of authorization letter from Maura Fleming for Mary Dumont to speak on behalf of the Trust. She then stated that the file did not include the appropriate trust document showing Maura Fleming as Trustee. M. Fleming stated she would provide same to the Town. Cory Coldwell of MSC Surveyors spoke for applicant. G. Parish and A. Tonry both informed the Board that they have had professional relations with the surveying company MSC. C. Brown reminded the applicants that anything said at a preliminary consultation was non-binding.

C. Coldwell reminded the Board of the 1998 accepted application for a 40 seat restaurant, 46 seat lounge and a 200 guest event tent. He stated that the new proposal was similar in scope but different in configuration. The soils are excellent and will have no problem supporting the required septic changes. The façade of the historic buildings will not change but the use of the existing renovated barn will become a two floor seating area and the existing office and storage barn might be razed to use the building materials on the new restaurant. They are hoping for a

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'green' or 'lead' certification. The old house is rented and will not become part of the proposed uses. Any signs will have down-shielded lighting. Proposed hours of operation are after 5pm on weekdays and all day weekends, there was discussion regarding holiday hours. There was discussion regarding handicap parking; valet parking might cover this. Although the school across the street is designated as a Drug Free Zone it has no restrictions on alcohol. They have yet to plan locations for trash and snow removal. The drive entrance may have a light; the parking area must be lit. There will be proposals for event parking lights. Employee parking was discussed.

E. PUBLIC HEARING:

Case #13-04-01 - Application from Neal Pond for Final Public Hearing for Wetlands Special Use Permit to allow replacement of a culvert originally permitted in 1993 for property located at 37 Mill Lane, Map 1, Lot 23-1.

Ken Berry from Berry Surveyors and Engineering spoke for the applicant. They are requesting permission to replace an existing full circle arch culvert of corrugated metal about 8 ' wide and 7 ' high that is rusting out on the bottom. They propose an injection molded polypropylene bottomless culvert that rests on concrete footings as well as a second 36" culvert to accept water from the 50 year flood events. This is major prime wetlands impact of 3200 square feet. Major is any wetland with over 650 acres upstream, this application has 2500 acres upstream.

K. Berry's discussion with Dr. Richardson of the Wetland Bureau included how the old culvert was to be removed, where the water goes during construction, etc. K. Berry showed the Board the 4 step process outlined in the plans. Special concrete will be used underwater. There is a utility pole which will have to be worked around.

Ken Berry reviewed D. Smiths comments. 1. The conservation committee has submitted their comments showing no objections to the proposal. 2. The NHDES documentation has been applied for and will be provided upon receipt. 3. The Town Engineer will review drainage calculations. 4. The applicant will submit performance security to the BOS.

Regarding Special Use Permit provision 8.5.1.1 - To make a finding that the proposed construction is essential to the productive use of land not within the wetlands. K. Berry stated that the culvert over Winkley Brook is the only access to the existing residence on the property. This stream crossing has been in place since 1983. The parcel of land is bisected by two streams and has very limited access to land not requiring crossing of the streams.

VOTE: 7 APPROVE

Regarding Special Use Permit provision 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

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include restoration of the site as nearly as possible to its original grade and conditions. K. Berry stated that the design of the culvert replacement is as compliant as practicable and affordable as possible. The alternative to this design would be bridge construction and this application to the NHDES has been made under the provisions of the Alternate Design criteria. The bed of the stream will be restored to natural conditions, which is one of the objectives of the revised stream crossing rules. All slopes will be stabilized and rock walls built to replicate the existing stream bank conditions. The surface of the driveway is being raised by a bypass culvert being installed for major storm events.

VOTE: 7 APPROVE

Regarding Special Use Permit provision 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. K. Berry stated that the existing driveway is the only access to the existing residence. Replacing the culvert in the location of the existing impact is the least impacting alternative.

VOTE: 7 APPROVE

Regarding Special Use Permit provision 8.5.1.4 - To make a finding that economic advantage alone is not reason for the proposed construction. K. Berry stated that this is the driveway to their home and has been in place for thirty years in varying configurations. The latest permit on file is 1993 when a minor permit was issued by NHDES Wetlands Bureau. (File Number 1993-00993 Winkley Brook, Minor Impact Project). Mr. Pond is not intending to expand the use of the crossing but to replace a deteriorating situation.

VOTE: 7 APPROVE

MOTION: To approve the applicant's request for a Wetland Special Use Permit relating to Map 1, Lot 23-1, in accordance with the plan by Berry Surveying and Engineering, dated March 26, 2013 for property located at 37 Mill Lane subject to the following conditions:

1. That a mylar revised to RCRD standards be recorded at the Rockingham County Registry of Deeds.
2. That any and all fees due the Town of Hampton Falls be paid.
3. That the Department of Environmental Services permit number and date of permit be shown on the plan.
4. That the posting of a bond, as approved by the Town Engineer, be filed with the Board of Selectmen.
5. That approval of the findings to Section 8.5 was made.
6. That construction details of the project and the erosion control measures be approved by the Boards engineers, Jones and Beach.

MOTION: C. BROWN

SECOND: G. PARISH

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7 APPROVED; PASSES

F. REVIEW AND APPROVAL OF PREVIOUS MINUTES:

MOTION: To approve the minutes of March 26, 2013 with the following correction, Page 3, last paragraph "M. Sikorski, Building Inspector, asked that a note be placed on the plan regarding the analysis of the viability of the pole."

MOTION: M. KASPRZAK

SECOND: S. VOLPONE

5 IN FAVOR; 2 ABSTENTION: PASSES

G. OTHER BUSINESS:

1. Committee Reports - The Board acknowledged the Ordinance and Regulations Review Committee minutes from March 21, 2013 and April 5, 2013. It was noted that the Board was not provided April 17 minutes due to timing of packet preparation. B. Mutrie stated that the Committee has been working on potential uses in the new business areas. There was discussion regarding inclusion or exclusion of such things as gambling and/or tattoo parlors. There was discussion regarding the May 16 meeting with the Town of Seabrook which is proposed to be a discussion regarding our shared border. Hopeful outcomes might include the need for a feasibility study regarding sharing sewer/water and other shared visions.
2. Planning Board Member Listing - Each member reviewed his/her information for corrections.
3. Written resolution regarding fall zone and or easement on 0 East Road, Map 8, Lot 34 - C. Brown advised the Board that she has received communication from Attorney Ganz but has received nothing from either AT&T or Mr. Tamposi.

H. COMMUNICATIONS TO BOARD MEMBERS:

C. Brown advised members of the existence of the April 2013 Supply Lines 'Source' article of interest.

I. ADJOURNMENT:

MOTION: To Adjourn the meeting at 8:45.

MOTION: S. VOLPONE

SECOND: T. SANTORA

7 IN FAVOR; PASSES

Respectfully submitted,
Abigail Tonry,
acting secretary