

# HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

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## Minutes February 5, 2024

A meeting of the Planning Board was held on Monday, February 5, 2024, at the Hampstead Town Hall, 11 Main Street, Hampstead, NH. This meeting was broadcast live on HCTV 16.

**PRESENT:** Robert Weimar (Chairman), Lewis Eaton (Ex-Officio), Randy Clark, Kim Colbert, Mike Hanides, Alan Davis, Matt Johnson, alternate Susan Hastings and Steve Keach, PE.

Pledge of Allegiance

### **Chairman's Remarks**

Next Public Hearing Date March 4, 2024

Filing Deadline for the March 4, 2024 meeting is February 5, 2024

### **New Business**

#### **1. Map 17 Lot 89 aka 416 Emerson Ave – Change of Occupancy Application**

Amal Tuffaha presented the board with her business plan for the former state liquor store unit and turning it into the Smoke shop Outlet at 416 Emerson Ave. This will be her third retail outlet, Windham NH and North Providence RI are the other two locations. The space is 3,000 square feet, Tuffaha presented the board with pictures of the other retail stores. Tuffaha emphasized this is a 21 plus retail store and hopes to have 80-100 customers per day. Store hours will be standard retail hours Mon-Fri 10-8 and Sat-Sun 11-6.

M. Johnson asked if there would be any lounge to smoke and Tuffaha responded no, strictly retail products. R. Clark asked about state regulations and Tuffaha spoke about the minimum age requirement. Tuffaha informed the board the state regularly comes in and confirms the correct taxes are being paid and indicated she was successfully audited by the state.

Tuffaha was asked about parking and stated there is plenty of parking for her retail store, she would hope to have as many customers as the previous tenant the state liquor store. Eaton commented that he has been subject of state audits as well due to the nature of his business. Tuffaha stated the business is federally regulated as well.

Chairman Weimar asked the board if they had further questions and there were none.

**MOTION: R. Clark made a motion to approve the change of occupancy for a unit located at 416 Emerson Ave as presented.**

**SECOND: M. Hanides**

**VOTE: 7-0**

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## **2. Map 1 Lot 091 Endicott Lane aka Brianna Woods Subdivision bond reduction**

D. Soucy reminded the board they had been provided with a field report and letter from field engineer Jeff Quirk dated 12/12/2023 suggesting a bond reduction to \$15K for the project. D. Soucy asked if there were any questions and there were none.

**MOTION: R. Clark made a motion to reduce the bond for the Brianna Woods subdivision, Map 1 Lot 091, to \$15K for a period of one year.**

**SECOND: M. Johnson**

**VOTE: 7-0**

## **3. Map 11 Lot 246 Oldham Road – Subdivision of Land**

Ryan Lavelle from James M Lavelle & Associates was present to represent the applicant for a minor two-lot subdivision of land for property located at Map 11 Lot 246 aka 21 Oldham Road. R. Lavelle gave specifics of the proposal, the existing dwelling will be on 1.42 acres and the new lot will be 1.30 acres. R. Lavelle informed the board the original intention of the subdivision was to reserve a lot for future use. R. Lavelle stated that both lots adhere to soil requirements.

R. Lavelle stated that they are requesting a waiver from the driveway requirement for sight distance. R. Lavelle stated that Oldham Road is a dead-end street versus a through street and most drivers obey the speed limit. R. Lavelle stated the sight distance is approximately 200 feet in either direction. R. Lavelle informed the board he has already received state subdivision approval and all the monuments have been set.

Chairman Weimar asked Keach for an overview. Keach had a short letter and indicated it seemed that all is in order. Keach confirmed the applicant needed a waiver of the all-season sight distance from 400 feet to 200 feet. D. Soucy had an email from Jim Lavacchia, DPW indicating he supported the waiver as long as a sight line easement was a condition of approval. R. Lavelle stated he was agreeable with the easement.

**MOTION: R. Clark made a motion to accept jurisdiction of the subdivision plan for property located at Map 11 Lot 246.**

**SECOND: M. Johnson**

**VOTE: 7-0**

Chairman Weimar asked if the board had any further questions and there were none. Weimar asked for public comment and there was none.

**MOTION: R. Weimar made a motion to grant a waiver to Section XV:3.G-3 of the LSDR which requires 400 feet of all season sight distance to 200 feet subject to a sight line easement.**

**SECOND: R. Clark**

**VOTE: 7-0**

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**MOTION: M. Hanides made a motion to grant 90-day conditional approval for a subdivision of land located at Map 11 Lot 246.**

**SECOND: R. Clark**

**VOTE: 7-0**

## Old Business

### **1. Map 01 Lots 091-1 & 091-2 Cameron Commons**

R. Lavelle was present to request a 90-day extension of the conditional approval for the Cameron Commons project as well as discuss changes to the water supply. Chairman Weimar asked D. Soucy to explain what has happened. D. Soucy informed the board that finalized legal documents were part of the conditional approval and those documents have been provided with minor changes needed.

State permits were another part of the conditional approval, since the board approved the project there has been a change to the water supply, previously the project showed 3 wells to service the ten duplex units, that has now changed to a community well. The developer has hired a water engineer who is designing the system for approval with the state.

D. Soucy stated she has spoken with Attorney Panciocco regarding holding a compliance hearing when the NHDES approval is received for the community water system. The developer will pay for a legal ad and abutter mailing for the hearing. The current request is to extend the conditional approval an additional 90 days.

R. Lavelle informed the board the access to the well pump house will be on a gravel road on the left-hand side. R. Lavelle added that he felt the community water system is a better design. R. Lavelle stated he redid the site loading for the project, he is waiting for Gregsak and Lewis to make changes to the plan.

The board was provided a preliminary drawing via email that showed the location of the community well and the pump house. M. Hanides asked if the plan set would be revised and R. Lavelle stated it would be updated. R. Lavelle stated he asked DPW about the gravel access and there were no concerns.

Keach referenced NHDES Administrative Rules and indicated there was a change in policy concerning shared wells versus community wells, it is now common to have a common pump house and distribution system serve multiple units as in this case. NHDES will look at the yield of the entire property. Keach stated the change in plan from 3 wells to one community well represents a material change to the plan. Keach stated the compliance hearing will be a public hearing once all conditions of approval have been satisfied. The purpose of the public hearing is to see what has changed between approval and the final plan, i.e., the change of context in the water system.

Colbert asked when the change was prepared. Keach stated there are a series of steps in gaining approval for a community system, for example the developer needs to get

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permission to drill and test the well, there are standard well testing protocol to follow, NHDES can add to these standards. Keach stated once the well is tested the data will be used to determine the size of storage of the well. Keach stated it is a multi-step process that is both qualitative and quantitative in nature and it involves testing before designing the system.

R. Clark asked about future tie-in with Hampstead Area Water Company (HAWC). R. Lavelle stated this is a private water source. Keach stated this community well could not be part of HAWC and added there is not enough room on the property to qualify as a public water supply. Keach talked about flow rates, etc. specifically the reduced flow rates for elderly projects. Keach added that NHDES will tell the developer which wells to monitor during testing.

**MOTION: R. Clark made a motion to extend the conditional approval an additional 90-days to 5/6/2024 for the Cameron Commons project.**

**SECOND: M. Hanides**

**VOTE: 7-0**

Weimar advised Lavelle that the board has been tolerant. Lavelle stated he is working hard on his end.

## **Other Matters**

### **1. Discussion regarding Press Release for Warrant Articles**

Chairman Weimar had prepared a document for release regarding the warrant articles being proposed by the board. Weimar had a few minor edits and asked the board members if they had any comment and there was none. The board was ok with the final wording of the document. Weimar stated he would be at town deliberative session on Thursday 2/8, he added he would post this document on the Hampstead Happenings Facebook page.

### **2. Capital Improvement Program (CIP) Review/Discussion of Warrant Article**

Colbert stated the CIP committee prepared a draft document and wants to present the document to the BOS. Colbert explained that this first year they were developing the CIP plan, the committee also met with several boards and departments who presented CIP projects. Colbert stated the CIP committee will begin meeting again in late summer and ask any board or department with a CIP request present before the CIP committee.

Colbert gave the example of the HFD having a number of needs relating to equipment upgrades, the HFD makes an annual contribution to their capital reserve fund to pay for those items. Clark stated the needs are spread out across time to minimize fluctuation in the general budget.

Eaton stated the DPW has CIP requests for roads, trucks, and things related to Storm Water Management. Chairman Weimar commented in the past there was a particular

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dollar amount for roads, there is a new plan going forward with a new DPW Director looking to improve the process.

Clark asked if new items would be added to the budget that would require tax money each year. Weimar stated they are looking for a consistent amount to be added each year for capital improvements. Clark asked for a list of items for the Town.

Colbert stated the CIP committee created a framework that is going to be used going forward. Colbert stated the CIP committee wants authorization to present the document to the BOS. Eaton stated the BOS understands the process. Eaton stated that HFD Chief Carrier has been a great mentor to the CIP committee. Eaton stated the CIP committee is looking to stabilize the tax rate.

Clark commented that all federal mandates will increase the cost. Eaton stated the CIP committee is also helping to build collaboration between departments. Clark stated he has been serving the town for several decades and has seen the expansion of the town over the years. Clark mentioned the evolution of the police and fire departments as well as the school system.

Weimar stated the CIP committee is talking about current needs and future planning, the default has been to budget for items versus capital improvement. Eaton stated the BOS is on board. Colbert presented the document being used to encourage voting for the CIP warrant article.

Weimar stated he wants the PB to support the CIP committee. Keach commented the CIP committee created the framework of a document that will be populated. Weimar wants PB to agree on the document. Clark commented that the document collects data.

**MOTION: K. Colbert made a motion to accept the CIP document as a framework for development of the CIP needs.**

**SECOND: A. Davis**

**VOTE: 7-0**

### **3. Update on Subdivision modifications**

Chairman Weimar asked for an update on the subdivision modifications. Keach stated the road standards are in pretty good shape, Keach suggested inviting DPW to a meeting so that all parties have input into the street regulations. Keach stated he is available next week to meet and discuss.

D. Soucy stated the landscape, architecture, FEMA updates, performance guarantee, etc. still need to be codified into the existing regulations. Soucy and Keach have been working on this piece.

### **Planning Board Matters**

1. Town Engineer Comments – none

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2. Correspondence – none

3. Member Comments

Davis stated he would like to invite Tim Roache from RPC to a PB workshop to inform the board what types of services RPC can provide to the Town of Hampstead. Weimar suggested inviting DPW to the meeting as well, Soucy suggested pushing this meeting back to April/May due to winter snow season.

4. Review of Minutes (1/2/2024 public hearing)

**MOTION: L. Eaton made a motion to accept the 1/2/2024 minutes as presented.**

**SECOND: R. Clark**

**VOTE: 7-0**

5. Adjourn at 8:35 P.M.

**MOTION: M. Hanides made a motion to adjourn at 8:35 P.M.**

**SECOND: A. Davis**

**VOTE: 7-0**

Minutes prepared by Debbie Soucy, Secretary