

HAMPSTEAD PLANNING BOARD

11 Main Street Hampstead New Hampshire 03841-2033

Minutes 2 December 2013

Chairman Randy Clark opened the meeting at 7:00 PM. Members present included Randy Clark, Paul Carideo, Chad Bennett, Neil Emerson, Chris Dane, and Priscilla Lindquist, Ex-officio voting member. Nicholas J. Cricenti Jr., PE, Town Engineer and Secretary Susan Hastings were present. Attendees included W. M. Hastings, Suzanne Zakian, J. M. Lord, HBCINFO, Tracy Tinker, Eric Tinker, Jim Mitchell, Wayne Morrill, Jones & Paul, and Penny Williams, Media.

CHAIRMAN'S REMARKS

The next meeting of the Planning Board is 6 January 2014. The last date to file plans for a Public Hearing at that meeting is 16 December 2013. The final date to file a public petition with the Selectmen is 11 December 2013.

BOND 07-022 Irongate Bonds

The Irrevocable Letter of Credit # 98-089 and Irrevocable Letter of Credit # 98-88 from Trendezza LLC have been received and placed in the file. Each has been extended to expire on November 30, 2014.

Attachment # 1 No action was required of the Board.

1ST PUBLIC HEARING 2014 Planning Board Zoning Proposals

Chairman Clark opened the Public Hearing on zoning changes proposed for acceptance at the Town Meeting. **Attachment # 2.** Article # 1 is a proposal to move the adoption of the fee schedule from the Town of Hampstead Zoning to the authority of the Board of Selectmen. This is RSA 41-9a and specifically allows Selectmen to adopt fees for Code Enforcement and the Fire Department after a Public Hearing. Town Council has approved the article as written. Penalty fees are not subject to the Selectmen's authority and will remain as part of the Zoning of the Town. R. Clark read Article # 1.

Article # 1:

"To see if the Town of Hampstead will vote to add after the Definitions in Article the following:

'Upon passage of a warrant article authorizing the Board of Selectmen to establish or amend fees, the Board of Selectmen shall have authority to establish or amend the fees in Article 1-3:0. Any fees established or amended by the Board of Selectmen will supersede and repeal the fees in Article 1-3:0'

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R. Clark asked Board members if they had any comments. There was none. The Chairman invited comments from the members of the public present and there were none.

MOTION

Neil Emerson made a motion to send Article # 1 to the Warrant and show it as recommended by the Planning Board. Paul Carideo seconded the motion and it was approved. VOTE YES-Neil Emerson, Paul Carideo, Chris Dane, Chad Bennett, and Priscilla Lindquist, Ex-officio. ABSTAIN Randy Clark. Article # 1 will be forwarded to the Selectmen to be included on the Warrant:

Article # 1:

“To see if the Town of Hampstead will vote to add after the Definitions in Article the following:

Upon passage of a warrant article authorizing the Board of Selectmen to establish or amend fees, the Board of Selectmen shall have authority to establish or amend the fees in Article 1-3:0. Any fees established or amended by the Board of Selectmen will supersede and repeal the fees in Article 1-3:0’

Randy Clark said Article # 2 is to include all the structures on 07-047 in the Historical Zone. Paul Carideo noted the bandstand, athletic fields, civic club building and police station are not listed. N. Cricenti said an informational or descriptive sentence could be added without changing the intent of the article. R. Clark read the article:

Article # 2

“To see if the Town of Hampstead will vote to amend Article III-1:9 of the Zoning Ordinance to include all of the parcel identified as Map 7, Parcel 47 which includes the Town Office Building or former Hampstead High School, and the Cobbler’s Shop, in the Historical Zone E.

In 1975 Town Meeting voted to include part of the parcel upon which the Meeting House is located as the first parcel in the Historical Zone.”

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Chairman Clark proposed the following description be added:

“Description: The lot also contains the Civic Club Building, Police Station, Veteran’s Park, Bandstand, and athletic field.”

Chairman Clark asked for further comment from members of the Board. There was none. He asked if any member of the public present wanted to comment and there was none.

MOTION

Paul Carideo made a motion to approve and send Article # 2, which now includes the “Description” to the Warrant, and show it as recommended by the Planning Board Neil Emerson seconded the motion and it was approved. VOTE YES-Neil Emerson, Paul Carideo, Chris Dane, Chad Bennett, and Priscilla Lindquist, Ex-officio. ABSTAIN Randy Clark. Article # 2 will be forwarded to the Selectmen to be included on the Warrant:

Article # 2

“To see if the Town of Hampstead will vote to amend Article III-1:9 of the Zoning Ordinance to include all of the parcel identified as Map 7, Parcel 47 which includes the Town Office Building or former Hampstead High School, and the Cobbler’s Shop, in the Historical Zone E.

In 1975, Town Meeting voted to include part of the parcel upon which the Meeting House is located as the first parcel in the Historical Zone.

Description: The lot also contains the Civic Club Building, Police Station, Veteran’s Park, Bandstand, and athletic field.”

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1ST PUBLIC HEARING 2014 Planning Board Zoning Proposals

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The Chairman read the last article:

Article # 3

“To see if the Town of Hampstead will vote to amend the Zoning Ordinance to adopt the following Stone Wall Preservation Ordinance that would retain stone walls along town and state roadways to preserve the rural character of the town and to retain one of the town’s important cultural resources.

1. Purpose

It is the intent of this ordinance to protect one of the town’s important cultural resources-historic stone walls. It is not the intent of this ordinance to deprive any citizen use of their property’s value or cause financial hardship.

Provisions of this ordinance shall apply to stone walls flanking or abutting town and state roads within the town.

2. Definition

Historic Stone Wall – A vertical structure of aligned natural stone, originally constructed in the 17th, 18th, 19th, and 20th centuries, to designate a property boundary with a public roadway.

3. General Provisions

- a. Alteration or removal of walls flanking or abutting town and state roads within the Town shall require prior review of the Hampstead Historic/Heritage Commission.**
- b. When relocation of a stone wall is necessary, any reconstruction shall match that of the original wall.**
- c. New stone walls should closely approximate the appearance of the adjoining stone walls with respect to coursing, stone type, joint width, construction and distribution of stones by size.**
- d. The alteration, relocation, or demolition of a stone wall along a public roadway as part of any subdivision or land development project must be reviewed by the Heritage/Historic District Commission and approved by the Planning Board.**

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The Chairman explained there had been a "**d**" under the General Provision the Board Members had discussed and deleted in the preliminary discussions. It had provided an appeal for a variance to the Board of Adjustment. Town Counsel pointed this is not allowed under the State RSA's.

Paul Carideo asked to present information on the ordinance adopted by the Town of Danbury. **Attachment # 3.** He asked who is to make the determination on the stone walls. Priscilla Lindquist said the Historic Commission would make the determination. The Danbury proposal is for determination by the Selectmen and approval by the Planning Board. Neil Emerson objected to the general proposal on stone walls saying stone walls have already been taken away or covered on private property. Chris Dane pointed out it can be difficult to figure out just how old a wall is. R. Clark added Danbury had a broad definition to cover stone walls without a need to establish an age. Chad Bennett said he agreed with Randy, the Danbury ordinance is clear. S. Hastings said some stone walls along the roads are not actually the boundary of the roadway. C. Dane said that presents a different surveying problem.

Chairman Clark asked if members of the public had any comments. W. M. Hastings said this was the second time the ordinance on stone walls had been proposed. The ordinance should be written clearly. Neighbors to the Depot Development had created debate about the stone walls there being disturbed. He said the Board should propose a clear article for the warrant.

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Chairman Clark asked the Board if they were ready to vote on Article # 3 as posted for a Public Hearing.

MOTION

Priscilla Lindquist made a motion to approve Article # 3. Paul Carideo seconded the motion. VOTE YES-Priscilla Lindquist, Chad Bennett; VOTE NO-Chris Dane, Paul Carideo and Neil Emerson. The Chairman said Article # 3 as posted and read was defeated:

Article # 3-“To see if the Town of Hampstead will vote to amend the Zoning Ordinance to adopt the following Stone wall Preservation Ordinance that would retain stone walls along town and state roadways to preserve the rural character of the town and to retain one of the town’s important cultural resources.

Purpose it is the intent of this ordinance to protect one of the town’s important cultural resources-historic stone walls. It is not the intent of this ordinance to deprive any citizen use of their property’s value or cause financial hardship.

Provisions of this ordinance shall apply to stone walls flanking or abutting town and state roads within the town.

Definition Historic Stone Wall – A vertical structure of aligned natural stone, originally constructed in the 17th, 18th, 19th, and 20th centuries, to designate a property boundary with a public roadway.

General Provisions

- a. Alteration or removal of stone walls flanking or abutting town and state roads within the Town shall require prior review of the Hampstead Historic/Heritage Commission.
- b. When relocation of a stone wall is necessary, any reconstruction shall match that of the original wall.
- c. New stone walls should closely approximate the appearance of the adjoining stone walls with respect to coursing, stone type, joint width, construction and distribution of stones by size.
- d. The alteration, relocation, or demolition of a stone wall along a public roadway as part of any subdivision or land development project must be reviewed by the Heritage/Historic District Commission and approved by the Planning Board.

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Chairman Clark asked Board Members for a motion on the amended stone wall ordinance. The Secretary read new proposal:

“Article # 3

“To see if the Town of Hampstead will vote to amend the Zoning Ordinance to adopt the following Stone Wall Preservation Ordinance:

“Land use activity may not alter the location of, or remove any roadside stone wall which was made for the purpose of marking the boundary of, or which borders, any public road in the Town of Hampstead except upon review of the Historical Commission and approval of the Planning Board, or the Department of Transportation.

Exemptions: driveways and points of access approved by appropriate state or local authorities.”

MOTION

Paul Carideo made a motion to approve the new Article # 3 to be posted for a Public Hearing on 6 January 2014. Board. Neil Emerson seconded the motion. VOTE YES-Paul Carideo, Neil Emerson, Chris Dane, Chad Bennett, and Priscilla Lindquist. Randy Clark, Chairman, said the new Article # 3 was approved: “Article # 3 -“To see if the Town of Hampstead will vote to amend the Zoning Ordinance to adopt the following Stone Wall Preservation Ordinance:

“Land use activity may not alter the location of, or remove any roadside stone wall which was made for the purpose of marking the boundary of, or which borders, any public road in the Town of Hampstead except upon review of the Historical Commission and approval of the Planning Board, or the Department of Transportation.

Exemptions: driveways and points of access approved by appropriate state or local authorities.”

This article will be posted for a Public Hearing on 6 January 2014.

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PUBLIC DISCUSSION Eric Tinker Proposed Zoning Ordinance

Chairman Clark invited Eric Tinker to address the Board. Mr. Tinker presented proposals to address the regulation for attached structures, accessory buildings and related accessory uses in Residential Zone A.

Attachment # 4. The current zoning has no stipulation on size of an accessory structure. He was concerned because of his neighbor's erecting a "massive" attached structure to his home. Neil Emerson said the Board of Adjustment has denied the request of the neighbor for a freestanding building. Subsequently a building permit was issued for a building attached to the house. Neil added many houses now are built with a three-car garage, and have two additional garages under the house. Randy Clark pointed out that many of these attached garages have a large family room over them and this is allowed by the zoning. Eric Tinker said it goes back to the original living space. He added he felt the "accessory use" was being misused.

Nick Cricenti said the language needed to be worked out tonight if this was to appear on the 2014 Warrant. Randy Clark added there are many pitfalls in writing an ordinance and then Town Counsel reviews them. Neil Emerson said this has to be right and he thought it would take more than one night to work out the wording. He said the issues of attached or detached buildings, the percentage of a lot coverage allowed, and the size of other structures on a lot all needed to be considered. Neil said it needed more discussion as he pointed out the size of a building needed to accommodate say a recreational vehicle. E. Tinker said exemptions could be granted, and he felt the easiest thing to do was to allow for an 1800 square foot building.

Randy Clark asked Neil Emerson if he would like to head up a project to develop a zoning ordinance with Mr. Tinker. The Chairman added that Mr. Tinker could present a petition article to the Selectmen by 11 December 2013. Priscilla Lindquist said it would need to be signed by 25 registered voters; however, she suggested he get a few more. Mr. Tinker said he understood the zoning and it was probably too late for this year. Neil said he would look into building uses and the issues with attached and detached buildings. Eric Tinker said he would work with Neil. Randy Clark asked if anyone else wanted to work on the zoning and Chris Dane volunteered.

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PUBLIC HEARING 06-046 Tropic Star, 235 Stage Rd fueling station

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Randy Clark, Chairman, asked Wayne Morrill to bring the Board up to date on the project. There has been no site alteration. All the easements required have been obtained. The NHDOT has agreed to the road layout **Attachment # 5**. The NHDOT permit will be issued once they complete their work on the signalization. Kevin Russell sent them a letter advising them their work will take 30 to 120 days. The "island" at the intersection of NH Routes 121 and 111 will be removed, a culvert is to be cleared and trees removed. There are two signal changes.

The Chairman asked for comments from the public. Suzanne Zakian asked a number of questions. Chairman Clark said the Board has a copy of the building design, hours of operation have been discussed, there is a plan for the grease trap, the lighting plan is on file, the parking and turn around on site have been revised, and designated employee parking has been added. The topography shows the light poles to be 20 feet from the finished grade. The grading plan shows 254 feet existing and 255 finished grade. Emergency lighting is updated. Randy Clark said all concerns presented have been addressed.

Wayne Morrill requested a conditional approval saying they had met all the requirements of the Town and State and the issue holding the NHDOT permit is their completion of the signalization design. The opticom will provide safe passage in all directions for emergency vehicles. There will be no further changes to the plan.

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PUBLIC HEARING 06-046 Tropic Star, 235 Stage Rd fueling station

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MOTION

Neil Emerson made a motion to grant conditional approval for 06-046 Tropic Star site plan dated November 28, 2013 for a fueling station at 235 Stage Road, Hampstead NH. The conditions of approval are the special provision set by the Planning Board and receipt of the NHDOT permit. The usual provisions for mylars, disc, fees, bonding etc., and items to be included on the plat are part of the conditional approval. (See Recording Receipt Conditions for Approval.) Paul Carideo seconded the motion and it was approved. VOTE YES-Paul Carideo, Neil Emerson, Chris Dane, Chad Bennett and Priscilla Lindquist. ABSTAIN- Randy Clark.

The bonding for Erosion & Sediment Control and other site improvements including the underground drainage must be voted and posted before any work can begin on the site. SFC Engineering will prepare this. The Secretary will provide the sheet with usual items to Mr. Morrill.

PUBLIC HEARING 10-005 Steve Hatem Site, Owens Court

Randy Clark advised the Board Mr. Hatem is requesting the hearing be continued to the January meeting. **Attachment # 6.** The State Permit for the AoT has not been received. Chad Bennett asked how long a hearing could be held open. Chairman Clark said the issuance of the AOT state permit has not been the fault of the applicant.

MOTION

Neil Emerson made a motion to continue the hearing for Steve Hatem, 10-005 Owens Court site to 6 January 2014 as requested by the applicant. Paul Carideo seconded the motion. VOTE YES-Neil Emerson, Paul Carideo, Chad Bennett, Chris Dane and Priscilla Lindquist. ABSTAIN-Randy Clark. The motion passed.

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BOARD BUSINESS

- **Town Engineer**, Nick Cricenti explained he had been contacted by Jay Lord representing Hannaford Brothers with a proposal for a drive/pick-up for groceries. Mr. Lord wanted to know if he would be required to submit a full site plan for this. There will be a canopy and a speaker box installed at an existing parking space with a space for queuing and two parking spaces to pull into. The groceries would be ordered ahead and be delivered to the vehicle. No additional parking is required for the site. Paul Carideo was concerned with the queuing obstructing traffic into the parking lot. N. Cricenti said the applicant was asking if a full application was needed for the proposal or if the Board considered the re-stripping of the parking lot could be considered as a minor change. R. Clark asked for more information on the call box. There would be one car waiting to order, one ordering, and two vehicles at pick up in reserved spaces. The Chairman asked Board members what they wanted to do. Paul Carideo said he would like more information and a more complete plan. C. Bennett, C. Dane and P. Lindquist agreed. Randy Clark said the consensus was for a full application. Nick Cricenti said he would set up a meeting with the Technical Review Group and work with the applicant.
- **Member Comments** Paul Carideo said the Registry of Deeds had refused the Emmert Plan because the Mylar sheet was undersized. He will contact the surveyor for a correctly sized Mylar.

Neil Emerson asked the name of Winchester Drive. Chairman Clark said the correct name was Winchester Drive. It is correct in all the Town records and E911 records. Only the post office had it wrong and they have apologized.

Neil Emerson said he would not be at the January or February meetings.

Chairman Clark requested documentation be available on the Ball Field Drainage, Irongate Bond Review, SFC review of the Police Station plans and a copy of the plans filed in this office. All information was available.

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BOARD BUSINESS Correspondence

- **NHDES re 01-018 Depot Development Site** Notification that no violations have occurred within jurisdictional wetlands.
- **Deerfield NH** Notification of monopole telecommunications tower hearing. Posted in the Town Office Building.

BOARD BUSINESS Minutes

- **Minutes the** minutes were edited as follows: Page 1 Paragraph 4, Line 2 changes "States" to "State's"; Page 2, Paragraph 1, Line 1, add a comma after "Chairman"; Page 7, Paragraph 7, line 2 omit "Chris Dane".

MOTION

The Chairman made a motion to approve the minutes as amended. VOTE YES-Paul Carideo, Chris Dane, Neil Emerson, Chad Bennett and Priscilla Lindquist. Randy Clark declared the minutes of 4 November 2013 approved.

- **Adjourn** The Chairman declared the meeting adjourned at 9:00 P.M.

Respectfully submitted,

Susan Hastings, Secretary