

HAMPSTEAD PLANNING BOARD

11 Main Street Hampstead New Hampshire 03841-2033

Approved Minutes 7 April 2014

Vice Chairman Paul Carideo opened the meeting at 7:00 PM. Members present included Paul Carideo, Chad Bennett, Neil Emerson, Chris Dane, Bill Weber, Robert Waldron and Priscilla Lindquist, Ex-officio voting member, Diane Gorrow, Town Counsel, and Secretary Susan Hastings.

Attendees at the meeting: Frank Quinn, Pam Lancaster, Scott Lancaster, James Lavelle, Lavelle Associates, W. H. Keating, W. R. Clark, Penny Williams, Media, Robert Trask, G. H. Harnish, Julie Clark, Robert Clark, Richard Atwood, Meredith Atwood, William Warnock, Deputy Chief, Hampstead Fire Department.

Vice Chairman Paul Carideo opened the meeting. He introduced Attorney Diane Gorrow, Town Counsel for Hampstead.

11-060 1ST PUBLIC HEARING-Lancaster Subdivision-18 Lighthouse Ln continued from 3/5/2014

Paul Carideo opened the Public Hearing for 11-60, Lancaster Subdivision. This hearing was continued from 5 March 2014. Jim Lavelle handed out new soil information to Board members. **Attachment # 1.** He introduced Scott Lancaster owner of the 18 Lighthouse Lane subdivision. J. Lavelle summarized the proposal saying lot 11-60, has frontage on Estee Road, which is private, and contains 4 acres. The new lot has 1.91 acres and is being created with no frontage on a town road. The Supreme Court has ruled the lot may be created without frontage on a town road. The lot with the existing dwelling will be 2.13 acres. There is a second area on this lot, which shows a buildable area. The parcel lies partly in the residential zone and partly in the recreational zone. The lot size requirement has been met and the owner has received state approval for the Subdivision SA2014010373. SFC Engineering will be asked to review the soils since new information has been presented.

Neil Emerson asked if there had been a Technical Review Committee meeting. **Attachment # 2.** They are recommending the roadway be widened and the appropriate easements drawn up.

HAMPSTEAD PLANNING BOARD

11 Main Street Hampstead New Hampshire 03841-2033

Approved Minutes 7 April 2014

11-060 1ST PUBLIC HEARING-Lancaster Subdivision-18 Lighthouse Ln

CONTINUED FROM PAGE 1

The requirements of the National Fire Protection Agency were discussed pertaining to the requirements for a road. **Attachment # 3.** Jim Lavelle said the Court answered the questions and the Fire Department and Police Department had no comments at the Board of Adjustment hearings. Paul Carideo said the Lancaster's case was litigated. The Lancaster's may subdivide one lot from their parcel on a private road. The Court has said the ruling on this subdivision is not setting any precedent. No other lots can be developed. The court record has been reviewed and is part of 11-60 Lancaster files. The applicant, Scott Lancaster has said he would sign a hold harmless agreement with the Town. Road maintenance and plowing will be up to the users of the road. Scott Lancaster said the first 200 feet of Estee Road is owned privately. He said the school busses pick up children on the road, there is oil delivery and trash is picked up at the top of the hill. Mr. Lancaster said his wife has licensed childcare in their home. The basic intent of the subdivision is to split the lot in half. A chart of the private roads in Hampstead, prepared by Lancaster, was presented to the Board and is part of the record. He maintained that 18% of the roads in Hampstead are private. There was no differentiation between private roads built to town standards and those that were old camp roads. J. Lavelle asked what difference the road made as long as a hold harmless agreement is signed. S. Lancaster asked what would be gained by widening the road. Paul Carideo said the Town has adopted subdivision regulations and private roads are built to the same standards. The road width of Estee Road was not known because the width varies.

Attorney Diane Gorrow said the Board of Adjustment had denied the variance request. The applicants had gone to court and received permission to seek subdivision approval. The Planning Board may not deny the subdivision, however the Board can apply the subdivision regulations.

Neil Emerson asked if this applied to the road width. S. Lancaster said his deed describes the road width as 23.5 feet between the Keating land and the lane. The width is said to narrow to 18.9 feet at some

HAMPSTEAD PLANNING BOARD

11 Main Street Hampstead New Hampshire 03841-2033

Approved Minutes 7 April 2014

11-060 1ST PUBLIC HEARING-Lancaster Subdivision-18 Lighthouse Ln

CONTINUED FROM PAGE 2

points. The fence on the Keating end narrows the lane to 14.5 feet before the rock wall and fence. Mr. Keating said the width is not specified on his deed. Jim Lavelle said the width varies from 14 to 18 feet and there are some places where vehicles cannot pass. The NFPA requires a road width of 20 feet. Mr. Keating presented the board with a copy of the plan of his land D-111794. He was asked if the roadway was acceptable to the fire department. Mr. Lancaster said Deputy Warnock had told him the road was accessible and acceptable to the Fire Chief and the police department. There was no problem with servicing the road.

The Board of Adjustment minutes available were checked and there was no mention of either the police or fire being notified the board of adjustment meetings according to Neil Emerson.

Scott Lancaster said he had a right to pass and repass over the road. He added he was willing to do some road upgrades. Robert Waldron suggested a road maintenance agreement between abutters. There was no mention of this on the application. Paul Carideo said the Police and Fire Departments were not at the ZBA meetings and is not notified the meetings.

Bill Keating, 5 Croy Path, said he would not agree to any widening of the access across his land. He added the opening was slightly wider as it comes off Croy Path and the Estee Road, which is approximately 11 feet in width.

Pam Lancaster, 18 Lighthouse Lane, said she could bring in a letter allowing her to have a foster care in her home. She said she had been in business for eight years. She said she was concerned with the fence limiting the access to the road. She said they are provided safety and emergency care and the police department has access all the way to the road. A new license is required every two years.

HAMPSTEAD PLANNING BOARD

11 Main Street Hampstead New Hampshire 03841-2033

Approved Minutes 7 April 2014

11-060 1ST PUBLIC HEARING-Lancaster Subdivision-18 Lighthouse Ln

CONTINUED FROM PAGE 3

Richard Atwood said he has owned his land since 1946 and he would like to speak with his attorney. He said he is concerned with additional use of the road.

Charles Harnish said he has been a resident for 50 years. He said he had no objections to more homes on the road. He said the use of the road has grown as the Town has grown. Mr. Harnish said Lighthouse Lane was named for his mother, Jeanette Harnish. He pointed out that there are places provided along the road where you can back up to allow others to pass.

Deputy Chief Warnock explained the license for foster care is a home inspection list. Items such as accesses, smoke detectors or yard dangers are checked. The road access is not a part of this inspection. The road width for a new building would be 20 feet for a vehicle of 50,000 pounds with a height clearance of 13 feet. The road would have to meet the NFPA fire code. Widening of this road would enhance the safety of all the homes. The fire apparatus is not able to access the lake for water supply. The issue will be new construction. Bill Weber asked if Estee Road was adequate access. The Deputy said the road needs to meet the NFPA requirements. At the least, the road should be as close to the 20-foot requirement as possible. He said at the point of the new construction the road should meet the NFPA. Neil Emerson said the road could be widened to the "pathway" at the lower end of the property. The Deputy emphasized the road needs 20 feet of width and the vertical clearance.

There is approximately 200 feet of Estee Road along the property that will be affected. Mr. Lancaster said he could only widen on his side of the road.

Paul Carideo said there had been a Technical Review on the plans. He asked Deputy Warnock if the fire pond volume had been checked since there was no access to Angle Pond. The existing fire pond at the end of Lancaster Drive does have a dry hydrant.

HAMPSTEAD PLANNING BOARD

11 Main Street Hampstead New Hampshire 03841-2033

Approved Minutes 7 April 2014

11-060 1ST PUBLIC HEARING-Lancaster Subdivision-18 Lighthouse Ln

CONTINUED FROM PAGE 4

Priscilla Lindquist said the owners would have to sign a Hold Harmless agreement with the Town.

Jim Lavelle said Mr. Keating had not improved the road on his property. P. Carideo suggested a proposal might be worked out by the next meeting.

Robert Waldron asked if the applicant would consider having a house sprinkler system. Deputy Warnock said that would be voluntary. Jim Lavelle said the driveway to the house is 150 feet. Scott Lancaster said he was working on the road issue with the fire department and the new house would have a sprinkler system, Chris Dane added it was reasonable to extend the road widening as far as possible.. W. Warnock said other emergencies could occur. Deputy Warnock said they would work with the Town Engineer on the road issues including the compaction of the existing roadway. P. Carideo asked Board members if they agreed with this process to address the concerns of the Fire Department with the road. Board members concurred with the general proposal. Deputy Warnock said he was still concerned with the access point on Mr. Keating's land. P. Carideo suggested the Board have a site walk with the Fire Department, Town Engineer and members of the Planning Board.

MOTION

Neil Emerson made a motion to take jurisdiction of the Lancaster Subdivision Plan, Tax Map11 Parcel 60 as presented on the plan dated January 2014, revised 2/21/2014, and revised 3/11/2014. Bill Weber seconded the motion and it was approved. VOTE YES – B. Weber, N. Emerson Chad Bennett, Chris Dane, Robert Waldron, and Priscilla Lindquist, Ex-officio. Paul Carideo abstained.

There will need to be an easement for people to use the deeded right of way. Meredith Atwood questioned whether the new home could be included. Paul Carideo said the Lancaster's have a right to

HAMPSTEAD PLANNING BOARD

11 Main Street Hampstead New Hampshire 03841-2033

Approved Minutes 7 April 2014

11-060 1ST PUBLIC HEARING-Lancaster Subdivision-18 Lighthouse Ln

CONTINUED FROM PAGE 5

pass and repass and this right will be given to the new owners. He added that he would need to see the deed. Bill Keating was not certain the access rights would have to be granted to future owners. Atty. Quinn said the court allowed the variance but that particular issue was not addressed. The type of material to be used in the construction of the structure and the width of the road were discussed without conclusion.

Jim Lavelle requested the Public Hearing be continued to the next meeting on May 5, 2014.

Mr. Keating said that he was not notified that the Lancaster decision was going to court. The Town was represented by Attorney Diane Gorrow. She (Diane Gorrow) added that if Mr. Keating or Mr. Atwood had issues with the type of home, these are private issues between the parties involved. The Board of Adjustment and the Planning Board have rules they are governed by.

Paul Carideo proposed to have a walk on April 26, 2014 at 9:00 AM. Members and the Town Engineer will be present to view the conditions of Estee Road. Neil Emerson said the road width should be 20 feet.

MOTION

Neil Emerson made the motion to continue the Public Hearing for the Lancaster Subdivision Plan, Tax Map11 Parcel 60, to 5 May 2014. Robert Waldron seconded the motion and it was approved.

VOTE - YES - B. Weber, N. Emerson Chad Bennett, Chris Dane, Robert Waldron, and Priscilla Lindquist, Ex-officio. Paul Carideo abstained.

HAMPSTEAD PLANNING BOARD

11 Main Street Hampstead New Hampshire 03841-2033

Approved Minutes 7 April 2014

06-043-1 1ST PUBLIC HEARING-KDRM Subdivision-Brickett's Mill Road

The Vice Chairman opened the first Public Hearing for the Brickett's Mill Road Subdivision owned by KDRM. There has not been a Technical Review of this proposal. The majority of the proposed lot is in the Residential A Zone with a small area in the Commercial Zone. Josh Manning presented the plans. The soils for the site have been completed and copies presented to the Board. The review letter of SFC Engineering is **Attachment # 4**. Neil Emerson asked about flooding that was reported under the driveway on the proposed new lot. He asked if there were enough good contiguous soils on the lot considering all the wetlands. J. Manning said the wells on the site have been abandoned. Neil Emerson said there had been significant flooding. Paul Carideo said he had looked at both culverts and they needed to be kept clear of debris. He added the culvert under the driveway appears to be crushed or filled in. The culvert that drains under Brickett's Mill also appears to be backing up. P. Carideo asked about drainage easements for maintenance. No one was sure if there were any documents in place. Brickett's Mill Road was constructed in 1981.

There is a fire pond and it was unknown if there was an easement for the access for use, and maintenance. There may be a fire hydrant there and this will be checked. Deputy Warnock will check and see if there is an easement for use and if the access is adequate for the department apparatus.

Paul Carideo said the existing office building has signage, which the total square foot display area was based on the entire lot frontage as well as the percentage of lot coverage based upon the lot area. This should be reviewed. He also asked about the building setback distance from sidelines and wetlands. The gravel driveway location needs to meet the site distances required by our regulations.

Bill Weber asked if there could be commercial and residential development on one lot. Neil Emerson asked if the dwelling would be 50 feet from the road.

HAMPSTEAD PLANNING BOARD

11 Main Street Hampstead New Hampshire 03841-2033

Approved Minutes 7 April 2014

06-043-1 1ST PUBLIC HEARING-KDRM Subdivision-Brickett's Mill Road

CONTINUED FROM PAGE 7

Bob Clark, 27 Brickett's Mill Road, expressed his concerns with the drainage saying some of the road edges have been washed out. He questioned whether the original plan showed any drainage easements and he inquired about written agreements.

Neil Emerson requested the water flow be calculated to determine the culvert size needed under the driveway. Paul Carideo advised Josh Manning to address the drainage issues and provide the calculations for review.

The Secretary was asked to check with SFC Engineering and see when a TRC meeting could be set up.

MOTION

Neil Emerson made a motion to take jurisdiction of the subdivision plan of Brickett's Mill Road, tax Map 6 Parcel 43-1 dated March 6, 2014 as presented. Chris Dane seconded the motion and it was approved. VOTE YES – B. Weber, N. Emerson Chad Bennett, Chris Dane, Robert Waldron, and Priscilla Lindquist, Ex-officio. Paul Carideo abstained.

Paul Carideo, Vice Chairman announced the Public Hearing will be continued to May 5, 2014.

04-049, 058 PUBLIC MATTERS-Lot Merger, Robert & Arlene Trask, 191 Mills Shore Dr.

Paul Carideo informed Board Members of a request for a merger of lots 4-49 and 4-58 owned by Robert and Arlene Trask, 191 Mills Shore Drive. **Attachment # 5.** The Board of Adjustment requested the Trask's make every effort to consolidate their lots as a condition to the Special Exception granted to them to permit the construction of a one and one-half story house, on an undersized lot, per the plan presented

HAMPSTEAD PLANNING BOARD

11 Main Street Hampstead New Hampshire 03841-2033

Approved Minutes 7 April 2014

04-049, 058 PUBLIC MATTERS-Lot Merger, Robert & Arlene Trask, 191 Mills Shore Dr.

CONTINUED FROM PAGE 9

and for a Variance to permit it to be too close to lot lines as shown on the plan presented. The Board of Adjustment further requested there is a good faith effort made to combine the lots with the condition there be no other residential structures on either lot. The lots are separated by Mills Shore Drive and cannot be merged under the existing state RSA. The septic system is on one lot and the dwelling on the other. The septic line runs under the road. A copy of the Shoreline Protection Plan dated February 10, 2010 was presented to the Board to be part of the permanent record. Paul Carideo said this would be good for the Town and recommended the consolidation of the lots. Priscilla Lindquist agreed the consolidation would be in the Towns best interest.

MOTION

Neil Emerson made a motion to consolidate lots 4-49 and 4-58 owned by Robert and Arlene Trask, 191 Mills Shore Drive. These lots are separated by Mills Shore Drive, however, the house exists on one lot and the septic system is on the other. Chris Dane seconded the motion and it was approved.

VOTE YES – B. Weber, N. Emerson Chad Bennett, Chris Dane, Robert Waldron, and Priscilla Lindquist, Ex-officio. Paul Carideo abstained.

The Secretary will draft the notice of consolidation and review the documents required to be provided.

10-005 PUBLIC MATTERS Hatem Site

Paul Carideo advised board members a request has been received to extend the time required to meet the conditions of approval for 10-5 Hatem Site Plan for an additional 90 days. They are still working on some issues.

HAMPSTEAD PLANNING BOARD

11 Main Street Hampstead New Hampshire 03841-2033

Approved Minutes 7 April 2014

10-005 PUBLIC MATTERS Hatem Site

CONTINUED FROM PAGE 9

MOTION

Neil Emerson made a motion to extend the time for meeting the Conditions of Approval for Steve Hatem Condominium Site Plan, Tax Map 10 Parcel 5 for 90 days. The conditions would need to be met by July 6, 2014. Robert Waldron seconded the motion and it was approved. VOTE YES – B. Weber, N. Emerson Chad Bennett, Chris Dane, Robert Waldron, and Priscilla Lindquist, Ex-officio. Paul Carideo abstained.

BOARD BUSINESS-Correspondence

1-10 Depot Crossing-P. Carideo said a time extension was requested by the abutters from the Superior Court to prepare a response.

6-43 Brickett's Mill Rd. - A water complaint received was discussed under 6-43-1 KDRM Subdivision.

6-7 drainage culvert flooding-A culvert is under NH Route 111 is running water onto a residents land. The Town has no authority for New Hampshire Route 111.

J. Forbes information request – The Secretary was asked to send a letter to set up a date for the records to be reviewed.

Conference Notice – A Water Source Protection Conference is scheduled for April 30, 2014. Any member wishing to attend should contact the Secretary for further information.

HAMPSTEAD PLANNING BOARD

11 Main Street Hampstead New Hampshire 03841-2033

Approved Minutes 7 April 2014

BOARD BUSINESS-Election of Officers

Chairman Paul Carideo announced the Election of Officer would take place. He asked for a nomination for Chairman.

MOTION

Neil Emerson nominated Paul Carideo for Chairman. There were no other nominations. Priscilla Lindquist seconded the motion. VOTE YES – B. Weber, N. Emerson Chad Bennett, Chris Dane, Robert Waldron, and Priscilla Lindquist, Ex-officio. Paul Carideo abstained. The motion was approved; Paul Carideo is Chairman of the Planning Board.

Chairman Paul Carideo asked for a nomination for Vice Chairman.

MOTION

Bill Weber nominated Neil Emerson for Vice Chairman. There were no other nominations. Priscilla Lindquist seconded the motion. VOTE YES – B. Weber, N. Emerson Chad Bennett, Chris Dane, Robert Waldron, and Priscilla Lindquist, Ex-officio. Paul Carideo abstained. The motion was approved; Neil Emerson is Vice Chairman of the Planning Board.

Chairman Paul Carideo asked for a nomination for Secretary.

MOTION

Neil Emerson nominated Susan Hastings for Secretary. There were no other nominations. Chris Dane seconded the motion. VOTE YES – B. Weber, N. Emerson Chad Bennett, Chris Dane, Robert Waldron, and Priscilla Lindquist, Ex-officio. Paul Carideo abstained. The motion was approved; Susan Hastings is Secretary of the Planning Board.

HAMPSTEAD PLANNING BOARD

11 Main Street Hampstead New Hampshire 03841-2033

Approved Minutes 7 April 2014

BOARD BUSINESS

Paul Carideo advised Board Members the applicant for 416 Emerson Avenue went to the Board of Adjustment. The proposal had been withdrawn by the applicant.

BOARD BUSINESS- Minutes and Adjourn

The minutes of 3 March 2014 were corrected as follows: Page 1, Paragraph 4, Line 1, change "Wanted" to "wanted"; Paragraph 5, line 1, change "sent" to "send".

MOTION

Neil Emerson made a motion to approve the minutes as edited. Bill Weber seconded the motion and the minutes were approved.

MOTION

Robert Waldron made a motion to adjourn the meeting at 8:50 PM. Priscilla Lindquist seconded the motion and they were approved as amended.

Respectfully submitted,

Susan Hastings, Secretary